

April Talon

From: Todd Selig
Sent: Thursday, January 14, 2021 11:07 AM
To: Kyle Schaefer
Cc: April Talon; Richard Reine
Subject: Re: Mill Pond Dam Removal - Public Comment from a Stakeholder - Kyle Schaefer

Dear Kyle,

Thank you very much for your feedback concerning the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate them.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | **m:** 603.817.0720 | **w:** www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Kyle Schaefer <kyle@soulflyoutfitters.com>
Date: Thursday, January 14, 2021 at 10:12 AM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: Mill Pond Dam Removal - Public Comment from a Stakeholder
Resent-From: <council@ci.durham.nh.us>

Good Morning Council Members,

First, I am very grateful to engage in this democratic process and for your service to Durham.

I am a local captain and fishing charter operator in the Piscataqua Region Estuary and our adjacent coastal waters. I am also on the board of the American Saltwater Guides Association. The threats to our fisheries are numerous whether it be over fishing, the gulf of Maine warming 99% faster than the rest of the world's oceans, or significant water quality issues up and down the coast.

Our fish don't have a voice so at every possible juncture I am honored to step up and advocate for our natural resources to help reverse the downward trend before we see more species become reduced or eliminated from our local waters. I operate a catch & release business targeting striped bass. Forage fish are essential to the stability of our striped bass stocks. Dams are one of the greatest threats to the andaramous species that once frequented our estuaries in incredible numbers.

I want to officially record my public comment in favor of the removal of the Mill Pond Dam. This dam is choking life out of the Oyster River. If we allow resources to flow and operate in their wild condition they will take care of our

communities, support long term recreation business, and provide a habitat for wildlife to flourish. My business depends on it.

Thank you for your time and consideration.

Best,

Kyle Schaefer

603.969.3050

[Write a Review for Soul Fly Outfitters](#)

[Soul Fly Journal](#) || IG: [@KyleSchaeferFlyFishing](#)

[ASGA Board of Directors](#) || [T&T Ambassador](#) || [Simms Ambassador](#)

[AMFF Ambassador](#) || [Costa Pro](#) || [Hog Island](#) || [POW Alliance](#)

April Talon

From: Todd Selig
Sent: Thursday, January 14, 2021 11:09 AM
To: Roanne Robbins
Cc: April Talon; Richard Reine
Subject: Re: Follow-up letter in support of dam removal - Roanne Robbins (2nd letter)

Dear Roanne,

Thank you very much for this second letter. (Thank you so much for your interest in the children studying at Oyster River as well.) I know the members of the Council will review carefully the ideas you convey.

All my very best,

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | **m:** 603.817.0720 | **w:** www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Roanne Robbins <roannerobbins@me.com>
Date: Thursday, January 14, 2021 at 7:41 AM
To: "tsellic@ci.durham.nh.us" <tsellic@ci.durham.nh.us>, Durham Town Council <council@ci.durham.nh.us>
Subject: Follow-up letter in support of dam removal
Resent-From: <council@ci.durham.nh.us>

January 14, 2021

Dear Mr. Selig and Members of the Town Council,

In my first letter to the Council, my narrative focused on the significant environmental and sociological gains to the community that dam removal offers. Today, I am writing to you to highlight another benefit, place-based learning. River restoration would provide limitless opportunities to engage Oyster River School District students in real-time, community-based learning. The Mill Pond Dam's removal would give the students a fascinating case study that contains elements of a wide swath of topics covered in and out of the classroom; engineering, social studies, ecology, mathematics, history, art, and geology, among others.

Our children face the burden of climate change and have witnessed years of climate change denial from the Trump administration. Our collective environmental neglect has caused the pandemic that they are all grappling to understand and adapt to. Climate grief, eco-anxiety paired with nature deficit disorder, and the rise of screen time, our younger generations are fearful for the future. They feel powerless and under-equipped to face the changes to come.

But what if we showed them that we could collectively make a difference. That community action can help restore nature, move towards righting past racial injustices, honor indigenous heritage, and focus on the greater good of the natural community, which we humans are a part of. We, adults, have the opportunity to model and work together with our future leaders. I urge you to support the removal of the Mill Pond dam and restore the free-flowing Oyster River.

Our Oyster River School District teachers continually show us that they are creative, adaptable, and thoughtful educators. What if part of the post-pandemic mental health healing process, our schools engaged in these place-based education opportunities by leaning into the community and immersing students in local heritage, culture, landscape, and experiences. Collective action, healing, connection to land, and community. There is so much to be hopeful for.

Sincerely,

Roanne Robbins
343 Dame Road

April Talon

From: Todd Selig
Sent: Thursday, January 14, 2021 11:17 AM
To: April Talon; Richard Reine
Subject: FW: Preserve the Millpond Dam - Ted Howard

Dear April and Rich,

Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | **m:** 603.817.0720 | **w:** www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: TED HOWARD <lynne_howard@comcast.net>
Date: Wednesday, January 13, 2021 at 8:41 PM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: Preserve the Millpond Dam
Resent-From: <council@ci.durham.nh.us>

Dear Members of the Town Council,

Thank you for your time in the Zoom meeting on Monday night. I appreciate all the points of view that were expressed and all the time spent over the years on this issue.

I would like to reiterate my support for preserving the dam and the ecosystem that has existed for close to 400 years. The serenity and beauty of the pond adds to the quality of life in our community by providing recreational opportunities and a site for relaxation and contemplation. It is accessible to all and encourages outdoor activities in the appreciation of nature. The pandemic has highlighted how valuable it is to look to all the beauty around us and to get outdoors in our community.

The ingenuity of the past allowed Durham to prosper and grow. Let's challenge our collective ingenuity to preserve the dam and improve our stewardship of the Millpond, the Oyster River and its backwater, including Hamel Brook for the benefit of future generations.

Sincerely,

Lynne Howard
12 Burnham Ave
Durham

April Talon

From: Todd Selig
Sent: Thursday, January 14, 2021 11:19 AM
To: Joe Friedman
Cc: April Talon; Richard Reine
Subject: Re: In favor of Dam Removal - Joe Friedman

Dear Joe,

Thank you very much for this feedback concerning the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
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Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Joe Friedman <joe.friedman42@gmail.com>
Date: Wednesday, January 13, 2021 at 8:22 PM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: In favor of Dam Removal
Resent-From: <council@ci.durham.nh.us>

Hello Durham Town Council,

I am a resident of Durham who lives adjacent to the downtown. I first came to Durham in 1975 and have lived in multiple places in town.

Please take the appropriate action and remove the dam as recommended in the VHB report. It makes sense ecologically, is the clearest and best decision from an economic point of view and will improve the quality of Durham for the great majority of its residents.

The dam removal in Exeter, NH went very well and now the downtown and upstream are healthier. There are numerous other good examples in NH too.

Some have said we should keep the dam for ice skating. While I like ice skating as much as anyone and want to skate when conditions are right, there are other places to skate nearby.

To suggest that we are going to lose our urban forests seems incongruous when the Town is on the verge of connecting 2,000 acres of Forest to the downtown via the new Thompson Rd. Bridge.

The overwhelming positives for removing the dam makes the most sense for the most number of people in Durham.

Joe Friedman
Woodman Rd.
Durham, NH

April Talon

From: Todd Selig
Sent: Thursday, January 14, 2021 2:14 PM
To: April Talon; Richard Reine
Subject: FW: To the Town Council on Mill Pond - feedback from Andrea Bodo
Attachments: MPD letter to town council.docx

Dear April and Rich,

For your information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | **m:** 603.817.0720 | **w:** www.ci.durham.nh.us
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Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Thursday, January 14, 2021 at 1:54 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: To the Town Council

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Andrea Bodo [mailto:afbodo@comcast.net]
Sent: Thursday, January 14, 2021 1:53 PM
To: Jen Berry
Subject: To the Town Council

Thursday, January 14, 2021

Dear members of the Town Council.

I know the fate of the Mill Pond dam is a very difficult decision for you to have to make.

Mill Pond Dam was an incredibly generous **gift** to the town by Edith Angela Onderdonk (stepdaughter of Hamilton Smith) “to preserve the beauty of the Mill Pond”. The Pond that it creates has reportedly been pristine and beautiful until around the year 2000. Clouds of fish were in the Pond and there was extensive wildlife.

The Mill Pond is clearly a town treasure (although right now it is a jewel in a swamp)..... Many members of the community enjoy it for its beauty, winter recreation such as skating, XC skiing, and warm weather recreation of canoeing, kayaking, birdwatching, fishing, painting, watching the wildlife.....

It is the focal point for **CHURCH HILL HOUSING** seniors, many of whom have written over the years about their joys watching the wildlife.

It is archaeologically very significant as it was the **original settlement of the Town of Durham**, with historic mills

It sits on the most beautiful **GATEWAY** into Durham

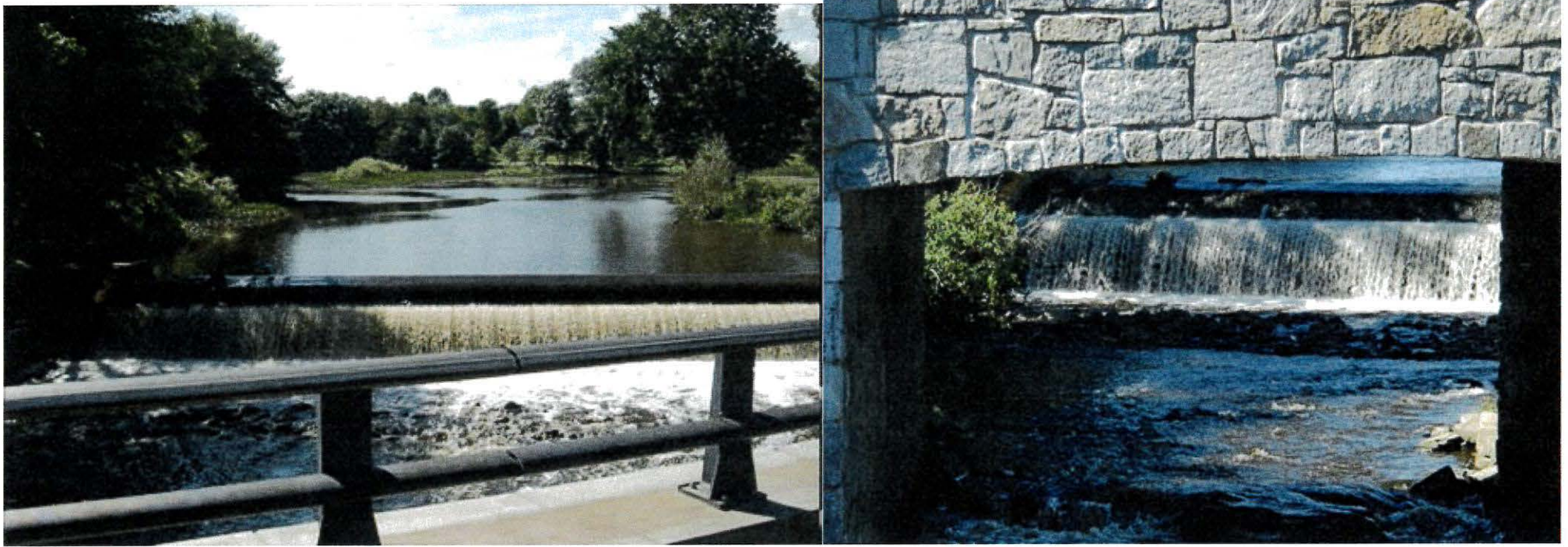
It is nestled in the **NATIONAL REGISTER HISTORIC DISTRICT**.

Rte 108 is DESIGNATED as a **SCENIC MILLS BYWAY**. The waterfall and the Pond are the focal point for some 20,000 cars that pass by daily. It is iconic and something the town should be proud of. It has been part of the viewscape for 350 years.....

THE DAM IS ELIGIBLE FOR NATIONAL REGISTER IN 10 CATEGORIES.

Are you really willing to sacrifice all this for one more mile of fish passage ? The state of the Pond has many

other contributing factors for pollution. Why tear out a dam that has been here for 350 years.



NHDES has a brochure featuring a dam removal in Lisbon, NH. Please note the RIVER RESTORATION. Is this REALLY what you want to have as the focal point of Durham ?

Dam Removed



Please exhaust all other options of what is contributing to poor water quality before you vote to remove the Mill Pond Dam.

Respectfully,
Andrea Bodo, 20 Newmarket Rd

April Talon

From: Todd Selig
Sent: Tuesday, January 12, 2021 3:25 PM
To: April Talon; Richard Reine
Subject: FW: Sliding Baselines - additional feedback from Larry Harris
Attachments: Sliding baselines.docx

Dear April,

Please be sure to bring this information from Larry Harris to the attention of the VHB team so they can review and respond if appropriate.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Larry Harris <Larry.Harris@unh.edu>
Date: Tuesday, January 12, 2021 at 2:27 PM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: Sliding Baselines
Resent-From: <council@ci.durham.nh.us>

This represents some thoughts based on last night's public hearing. All the best, Larry G. Harris, 56 Oyster River Rd.

Dear Committee Members:

Thank you for your willingness to hold such an informative public hearing last night.

The ongoing discussions concerning the future of the Mill Pond Dam and pond seem to center on whether to preserve or to remove and restore. After listening to the many inputs at last night's Town Council hearing it became clear that there is an ecological concept at the center of the discussion that really has not been articulated. That concept is a Sliding Baseline, which means that the historical understanding of a system is often based on when it was first observed/described. A classic description of historical change relating to Gulf of Maine fisheries is *The Mortal Sea* by Jeffrey Bolster. My historical baseline begins when I began studying marine bottom communities in 1969, but the changes that I have observed in that time are so great that the system is almost unrecognizable to when I began. I have long had issues with fisheries managers who want to restore groundfish populations when they have no idea of how the bottom communities have changed relative to their ability to support historical populations.

My historical perspectives on the Mill Pond and Oyster River are of the same 52-year time period, but that includes when the fish ladder was installed and the large runs of both river herring species that occurred shortly after. Watching herring trapped and milling about the dam because they had no way to exit the pond due to a closed fish ladder was heart wrenching. If you want to restore fish runs, leave the fish ladder open and make sure there is some water being released from the Oyster River Dam in College Woods. Prior to colonial times there were no invasive species like Buckthorn, runoff from increasing paved areas and water extraction for a growing population.

In summary, I believe it is important to be sure we understand what is meant by restoration and how it is going to be accomplished when we discuss our options relative to the dam and pond system. That should also include the role of the Oyster River Dam. Many of us who reside alongside the pond have seen what is in store during drawdowns if only the dam is removed and water flow and invasive species are not addressed, not to mention sediment issues. As I have previously stated in writing and at the hearing, I favor repairing the dam and leaving the pond to continue its ecological succession, though I would certainly favor addressing water flow from upstream.

Respectfully submitted,

Larry G. Harris
Professor Emeritus of Biological Sciences
56 Oyster River Road
Durham, NH 03824
larry.harris@unh.edu; 603-815-2155

April Talon

From: Todd Selig
Sent: Tuesday, January 12, 2021 3:26 PM
To: Dionne, Michael
Cc: April Talon; Richard Reine
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Dear April,

Please be sure to make VHB aware of this information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: "Dionne, Michael" <Michael.A.Dionne@wildlife.nh.gov>
Date: Tuesday, January 12, 2021 at 1:58 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: April Talon <atalon@ci.durham.nh.us>, Richard Reine <rreine@ci.durham.nh.us>
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Hi Todd,
Here's a bit more feedback about some of the things I heard last night.

-As I mentioned in the last email we can't operate this Denil fishway as a downstream passage according to USFWS fish passage specialist. Even if we were to operate it this way all the baffles would need to be removed and the fish would be thrashed pretty hard against the wall when then make the 180 degree turn in the fishway on the way down. In addition, with the low in-flow into the Mill Pond impoundment during late summer, I think the fishway would likely lower the level of the impoundment quite drastically.

-There was some talk about what gains we would even have if the dam were removed with the water supply dam in place. NHFG considers building fish passage at the water supply dam a high priority (regardless of whether or not Mill Pond Dam is removed). We have already had a site visit with USFWS fish passage specialist. They indicated that the site was a great candidate for fish passage with a standard Denil fishway.

-It was mentioned by Larry Harris and another individual that the fishway is not run at Mill Pond Dam. The fishway has been operated each spring since 1976. The river herring run is usually over by the end of June, so the fishway is closed each year by the early part of July. I think the latest date of operation was July 6th. For many years the fishway was operated with an electronic fish counter due to the large fish run there. However, NHFG has been trapping the fish and

hand counting each fish every year since '12. Both species of river herring (alewife and blueback herring) are considered a species of concern both state and federally. The severe decline of blueback herring in particular in NH is very concerning for NHFG. The Oyster River herring run was comprised of 100% blueback herring in 2000, now it is closer to a 50/50 mix of both species.

- Peak fish passage occurred in 1992 with 157,024 river herring passed, but has been generally declining since.
- Passage in 2000=70,873
- Passage in 2010=19,006
- Passage in 2020=4,655

-There was a lot of talk about river flow being restricted by the water supply dam. In low flow springs we do have problems operating the fishway. This has been the case the last few years with diminishing flows throughout the spring herring run. This makes it difficult to provide enough flow down the fishway to attract fish. In addition, with water flowing down the fishway, flow over the spillway tends to diminish to near nothing. After spawning the adult herring want to immediately migrate back to the estuary, but cannot drop over the nearly dry spillway. When people see the fish schooling at the dam "struggling" to drop over the spillway I think many believe there is some sort of an issue with the fishway, but that is not the case. Like I mentioned before we cannot operate the fishway for downstream passage, so the fish have to wait for a rain event to raise water enough to drop over the spillway. In addition, we often still have adult fish trying to migrate up to spawn, so have fish going both directions at once.

-Lastly there was a lot of talk about the contaminated sediments. This is more of a question for VHB to answer, but I will say I haven't worked on any dam removal that didn't remove/stabilize existing sediments. It will be part of the package no matter what.

If you have any further questions or want something explained better feel free to contact me.

Thanks!

Mike Dionne

Marine Biologist

NH Fish and Game Department

225 Main St. Durham, NH 03824

(603) 868-1095, michael.dionne@wildlife.nh.gov

NH Fish and Game...connecting you to life outdoors

www.wildnh.com<<http://www.wildnh.com/>>,

www.facebook.com/nhfishandgame<<http://www.facebook.com/nhfishandgame#!/nhfishandgame>>

Did you know? New Hampshire Fish and Game has been conserving New Hampshire's wildlife and their habitats since 1865.

From: Todd Selig <tselig@ci.durham.nh.us>
Sent: Tuesday, January 12, 2021 11:13 AM
To: Dionne, Michael
Cc: April Talon; Richard Reine
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Michael,

Thank you for this feedback. We shall share it with the Council.

Todd

Todd I.
Selig<[https://urldefense.com/v3/https://www.ci.durham.nh.us/administration;!!Oai6dtTQULp8Sw!FJodZozOom4KCAfhsb4MCvQOtDG074olpHapc875ChlBE1d0j12p8e-MBktjL8-ErKYLauikJd1n\\$](https://urldefense.com/v3/https://www.ci.durham.nh.us/administration;!!Oai6dtTQULp8Sw!FJodZozOom4KCAfhsb4MCvQOtDG074olpHapc875ChlBE1d0j12p8e-MBktjL8-ErKYLauikJd1n$)>, Administrator

Town of Durham, NH

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www.ci.durham.nh.us<[https://urldefense.com/v3/http://www.ci.durham.nh.us;!!Oai6dtTQULp8Sw!FJodZozOom4KCAfhsb4MCvQOtDG074olpHapc875ChlBE1d0j12p8e-MBktjL8-ErKYLauikJd1n\\$](https://urldefense.com/v3/http://www.ci.durham.nh.us;!!Oai6dtTQULp8Sw!FJodZozOom4KCAfhsb4MCvQOtDG074olpHapc875ChlBE1d0j12p8e-MBktjL8-ErKYLauikJd1n$)>

He/him/his pronouns

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From: "Dionne, Michael" <Michael.A.Dionne@wildlife.nh.gov>

Date: Monday, January 11, 2021 at 8:33 PM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: Mill Pond Fishway

Hi Todd,

I just wanted to make a comment about what Larry Harris talked about. I have operated the fishway on Mill Pond for 20+ years. The fishway has been in continuous operation since 1976. It is a Denil design fishway and according to USFWS fish passage specialist cannot be used as a downstream fish passage. It has never been operated as a downstream passage.

Thanks, Mike Dionne

April Talon

From: Walker, Peter <PWalker@VHB.com>
Sent: Tuesday, January 12, 2021 3:27 PM
To: April Talon
Cc: walkera@wseinc.com; Cloutier, Dave; Allen Orsi; Stuart, Quinn
Subject: FW: [External] Tonight's meeting

FYI. Mike Dionne (NHF&G) attended the public hearing last night and passed along these thoughts.

Also - Nadine Miller (Deputy SHPO) was not able to attend, but was plan to talk tomorrow afternoon so that I can brief her on hearing.

Pete

Peter J. Walker
Principal, Environmental Services

P 603.391.3942
www.vhb.com

-----Original Message-----

From: Dionne, Michael <Michael.A.Dionne@wildlife.nh.gov>
Sent: Tuesday, January 12, 2021 1:07 PM
To: Walker, Peter <PWalker@VHB.com>
Cc: Sullivan, Kevin <Kevin.M.Sullivan@wildlife.nh.gov>
Subject: Re: [External] Tonight's meeting

Hi Pete,

Here's a few points about last night.

-As I mentioned the other day we cannot operate this Denil fishway as a downstream passage according to USFWS fish passage specialist. Even if we were to operate it this way all the baffles would need to be removed and the fish would be thrashed pretty hard against the wall when then make the 180 degree turn in the fishway on the way down. In addition, with the low inflow into the Mill Pond impoundment during late summer, I think the fishway would likely lower the level of the impoundment quite drastically.

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-There was a lot of talk about river flow being restricted by the water supply dam. In lower flow springs we do have problems. The last few years have had diminishing flows throughout the herring run. This makes it difficult to get enough flow down fishway to attract fish in. In addition, with water flowing down the fishway flow over the spillway tends to diminish to near nothing. After spawning the adult herring want to immediately migrate back to the estuary, but cannot drop over the spillway. When people see the fish schooling at the dam "struggling" to drop over the spillway I think many believe there is some sort of an issue with the fishway, but that is not the case. We often still have adult fish trying to migrate up to spawn, so have fish going both directions at once.

-Lastly there was a lot of talk about the contaminated sediments. This is more of a question for VHB but I will say I haven't worked on any dam removal that didn't remove/stabilize existing sediments. It will be part of the package no matter what.

I have cc'd Kevin on this if he has any more input. If you have any questions feel free to reach out.

Mike Dionne

Marine Biologist

NH Fish and Game Department

225 Main St. Durham, NH 03824

(603) 868-1095, michael.dionne@wildlife.nh.gov

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<https://nam04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.wildnh.com%2F&data=04%7C01%7CPWalker%40VHB.com%7Cf9db1b598ffb48af419608d8b724e745%7C365c5e99f68f4beb89d9abecb41b1a1b%7C0%7C0%7C637460716414582546%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C1000&reserved=0>

<https://nam04.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.facebook.com%2Fnhfishandgame&data=04%7C01%7CPWalker%40VHB.com%7Cf9db1b598ffb48af419608d8b724e745%7C365c5e99f68f4beb89d9abecb41b1>

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Did you know? New Hampshire Fish and Game has been conserving New Hampshire's wildlife and their habitats since 1865.

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April Talon

From: Todd Selig
Sent: Tuesday, January 12, 2021 3:46 PM
To: April Talon; Richard Reine
Subject: FW: Let us see ALL the letters BEFORE any decisions are made!

Dear April and Rich,

For your general information. Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Tuesday, January 12, 2021 at 3:37 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Let us see ALL the letters BEFORE any decisions are made!

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Beth Olshansky [mailto: Beth.Olshansky@comcast.net]

Sent: Tuesday, January 12, 2021 7:56 AM

To: janet.mackie@comcast.net

Cc: Nichols; Comcast; Andrea Bodo; Joshua Meyrowitz; janzalone@comcast.net; Diane Freedman; Daphne Gowland; Thomas Toye; Janet Polk; Larry Harris; peleharrison@yahoo.com; Jim Dreher; Annmarie Harris; Suzy Yoder; Daniel Day; Keith Polk; Sandy & Roger Evans; Jim Munsey; Doug Worthen; Suzanne MacDonald; external forward for dcarroll; Steve Burns; Coleen Fuerst; external forward for Ischwartz; Greg Sancoff; Chris Gowland; Deb Munsey; Scott Letourneau; Dennis Meadows; Abraham Brody; Cindy Cooper; Joan Bigwood; Thomas Newkirk; Louise Kandle; Phyllis Heilbronner; Jen Berry; Chris Gowland; D Chen

Subject: Re: Let us see ALL the letters BEFORE any decisions are made!

Since the next step seems to be the TC submitting questions to either April or the hired experts, perhaps we could draw up a list of questions and get them to a sympathetic Councilor?

I imagine we are also permitted to continue conversations with April Talon.

I forgot one of my points last night: As Fish & Game and NHDES continue to strip NH of its dams, if Durham kept ours, it would become more and more an attraction for visitors and Durham would gain more notoriety and become a destination for those interested in dams. Think: covered bridges.

Beth

On Jan 11, 2021, at 11:05 PM, <janet.mackie@comcast.net> <janet.mackie@comcast.net> wrote:

I took her comment to mean dredging must be done in either case, whether the dam stays or goes – without any explanation.

If the dam stays there seems little need to dredge, compare the sediment samples taken downriver, the samples were cleaner which means not much sediment is moved from behind the dam, even considering the massive floods in the past 20 years. What they found downriver may have been released during the drawdown to take the samples.

From: Nichols <susannanichols@optonline.net>

Sent: Monday, January 11, 2021 10:35 PM

To: Comcast <jeffreyhillier@comcast.net>; Andrea Bodo <afbodo@gmail.com>

Cc: Janet Mackie <janet.mackie@comcast.net>; Joshua Meyrowitz <Prof.Joshua.Meyrowitz@gmail.com>; janzalone@comcast.net; Diane Freedman <diane.freedman@unh.edu>; Daphne Gowland <daphnegowland@yahoo.com>; Beth Olshansky <beth.olshansky@comcast.net>; Thomas Toye <tom@arthurthomasproperties.com>; Janet Polk <Janet.Polk@unh.edu>; Larry Harris <larry.harris@unh.edu>; peleharrison@yahoo.com; Jim Dreher <jim@durhamboat.com>; Annmarie Harris <annamie@comcast.net>; Suzy Yoder <Sunnysuzy2@yahoo.com>; Daniel Day <rbdan@comcast.net>; Keith Polk <Keith.Polk@unh.edu>; Sandy & Roger Evans <evans15@comcast.net>; Jim Munsey <munseysports@aol.com>; Doug Worthen <dougworthen@gmail.com>; Suzanne MacDonald <Sgmac@aol.com>; Diana Carroll <dianacarrollnh@gmail.com>; Steve Burns <burns.sk@gmail.com>; Coleen Fuerst <cfuerst@durhamboat.com>; Leslie Schwartz <totographs@comcast.net>; Greg Sancoff <sancoffg@aol.com>; Chris Gowland <cjgowland@gmail.com>; Deb Munsey <debmunsey@aol.com>; Scott Letourneau <sletomd@gmail.com>; Dennis Meadows <latailled@aol.com>; Abraham Brody

<abrahambrodyviolin@gmail.com>; Cindy Cooper <csoffencooper@gmail.com>; Joan Bigwood <joanbigwood@gmail.com>; Thomas Newkirk <Thomas.Newkirk@unh.edu>; Louise Kandle <louisekandle@comcast.net>; Phyllis Heilbronner <h.heilbronner@comcast.net>; Jen Berry <jberry@ci.durham.nh.us>; Chris Gowland <cgowland@gmail.com>; D Chen <parishrd@yahoo.com>
Subject: Re: Let us see ALL the letters BEFORE any decisions are made!

I was still there -made little sense to me but there was not really any chance to respond.

On January 11, 2021 at 10:17 PM Comcast <jeffreyhiller@comcast.net> wrote:

Not sure who hung on till the bitter end or caught Ms. Marple's comment that restoration and dredging are inseparable. See offered no reason, just dropped that little nugget before all agreed to hold a separate working session in later Feb or early March. Not good for stabilization in my opinion.

Sent from my iPhone

On Jan 11, 2021, at 7:33 PM, Andrea Bodo <afbodo@gmail.com> wrote:

Janet, I was wondering the same thing. Glad you will address that. /
Andrea

On Jan 11, 2021, at 7:36 PM,
<janet.mackie@comcast.net>
<janet.mackie@comcast.net> wrote:

I will speak at the public hearing tonight,
attached.

I have seen no info to justify why Garrett Chapman (are there others?) has any legitimate authority to speak on behalf of the local Native Americans that lived here 400 years ago; appointment to a committee conveys no authority without this information. (i.e. why would 10% Apache DNA give one authority to speak on behalf of the local Wabanaki groups that lived in this watershed?)

From: Joshua Meyrowitz
<prof.joshua.meyrowitz@gmail.com>
Sent: Monday, January 11, 2021 6:55 PM
To: Andrea Bodo <afbodo@gmail.com>
Cc: janzalone@comcast.net; Diane Freedman

<Diane.Freedman@unh.edu>; Daphne Gowland
<daphnegowland@yahoo.com>; Beth Olshansky
<beth.olshansky@comcast.net>; Thomas Toye
<tom@arthurthomasproperties.com>; Janet Polk
<Janet.Polk@unh.edu>; Larry Harris
<Larry.Harris@unh.edu>; peleharrison@yahoo.com; Jim
Dreher <jim@durhamboat.com>; Annmarie Harris
<annamie@comcast.net>; Suzy Yoder
<Sunnysuzy2@yahoo.com>; Daniel Day
<rbdan@comcast.net>; Keith Polk
<Keith.Polk@unh.edu>; Sandy & Roger Evans
<evans15@comcast.net>; Jim Munsey
<munseysports@aol.com>; Doug Worthen
<dougworthen@gmail.com>; Suzanne MacDonald
<Sgmac@aol.com>; Diana Carroll
<dianacarrollnh@gmail.com>; Steve Burns
<burns.sk@gmail.com>; Susanna Nichols
<susannanichols@optonline.net>; Janet Mackie
<janet.mackie@comcast.net>; Coleen Fuerst
<cfuerst@durhamboat.com>; Leslie Schwartz
<totographs@comcast.net>; Greg Sancioff
<sancioffg@aol.com>; Chris Gowland
<cigowland@gmail.com>; Deb Munsey
<debmunsey@aol.com>; Jeffrey & Tina Hiller
<Jeffreyhiller@comcast.net>; Scott Letourneau
<sletomd@gmail.com>; Dennis Meadows
<latailled@aol.com>; Abraham Brody
<abrahambrodyviolin@gmail.com>; Cindy Cooper
<csoffencooper@gmail.com>; Joan Bigwood
<joanbigwood@gmail.com>; Thomas Newkirk
<Thomas.Newkirk@unh.edu>; Louise Kandle
<louisekandle@comcast.net>; Phyllis Heilbronner
<h.heilbronner@comcast.net>; Jen Berry
<jberry@ci.durham.nh.us>; Chris Gowland
<cgowland@gmail.com>; D Chen
<parishrd@yahoo.com>

Subject: Let us see ALL the letters BEFORE any decisions are made!

Neighbors,

For reasons stated below, I again urge that we press for the PUBLIC POSTING all ALL letters that Todd and the Council have received on the Dam issue before any decision by Council (or by Referendum) is made. That might be a more winnable request now than others.

I have it on good authority that even Councilors who once favored stabilizing the dam are being moved toward REMOVAL from a series of letters that most residents have not seen from local experts (and our Durham neighbors) and also by Abenaki voices about

pre-dams history. I've seen a few and they are indeed convincing.

I worry that the Council will reject the referendum idea as sidestepping their responsibility and that if they vote TONIGHT, they will go with Consultants and experts (and ConCom) and not those arguing for stabilization.

BUT, I genuinely want to see ALL the letters, and with the claimed Council goal of transparency, we might be able to win that battle and then everyone can see the WHOLE FILE! At least everyone will then understand more about any decisions that are made.

Best, j

On Mon, Jan 11, 2021 at 1:12 PM Andrea Bodo <afbodo@gmail.com> wrote:

Hi Joe,

Can you post that email here ? I have not received anything .

thanks,
Andrea

On Jan 11, 2021, at 1:02 PM, Joe Anzalone <janzalone@comcast.net> wrote:

Hello, I received an email that tonight's meeting has been cancelled. Is that correct?

Thanks!

Joe Anzalone
16 Laurel lane
Durham, NH

On Jan
11,
2021,
at
11:37
AM,

Freedm
an,
Diane
<Diane.Freedman@unh.edu>
wrote:

Excellen
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April Talon

From: Todd Selig
Sent: Tuesday, January 12, 2021 4:07 PM
To: Carol Tuveson; Durham Town Council
Cc: April Talon; Richard Reine
Subject: Re: mill dam - feedback from Carol Tuveson

Thank you, Carol. I know the Council will appreciate your input.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Carol Tuveson <ctuveson@msn.com>
Date: Tuesday, January 12, 2021 at 4:03 PM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: mill dam
Resent-From: <council@ci.durham.nh.us>

Dear Town Council,

For over 70 years the mill pond and dam have been a vital part of Durham for me. For years I rode the school bus past the dam and the old mill building that once stood there. There was always something new to see, but I've been a life-long observer of nature. Thus I acknowledge that I have a strong emotional tie to the pond, from skating way up Oyster River until we ran out of ice to watching the swans and other wildlife.

Having listened to the presentations on the Dam Feasibility Study, and all the arguments for and against, I have wobbled back and forth about the best approach. Then I read the letters from Larry Harris and Dennis Meadows and they tipped the scale for me in favor of keeping the dam.

We are not talking about the Hoover Dam or any of the large dams across large rivers that prohibit migratory fish from continuing their journey. We truly have a very minimal ecosystem to “restore”, which in this case I feel is a misnomer. It seems the alewives and herring problem can be simply addressed without removing the dam and I’ve heard of no other species being impacted.

Larry Harris’ third option is rational, economical, efficient, eloquent, and amplifies Dennis Meadows’ concerns and suggestions. Fix the dam, open the fish ladder in a timely fashion, and allow nature to continue doing what it has done for almost 400 years.

To take a quote from Dennis Meadows’ letter, “I hope Durham leaders will choose the best strategy for the town and then work to minimize Durham’s costs rather than choose a low cost for the town and then work to minimize Durham’s options.” Or, as I heard often growing up: “The first step in making things better is to stop making them worse.”

I encourage you to think very carefully as you make this decision. It is never too late to incorporate new ideas into your thinking, or maybe a ballot referendum is the answer.

Sincerely,
Carol Tuveson
11 Watson Road

Sent from [Mail](#) for Windows 1044

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 8:36 AM
To: April Talon; Richard Reine
Subject: FW: Tonight's comments - comments about the mill pond dam on oyster river from charles decurtis of the nature conservancy
Attachments: Oyster River Comments.pdf

Dear April and Rich,

For your general information. Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Todd Selig <tselig@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 8:35 AM
Subject: FW: Tonight's comments - comments about the mill pond dam on oyster river from charles decurtis of the nature conservancy

Dear Members of the Council,

For your general information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Charles DeCurtis <charles.decurtis@TNC.ORG>

Date: Tuesday, January 12, 2021 at 5:58 PM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: RE: Tonight's comments

Dear Todd,

Thank you for this opportunity. This was only my second town meeting and I may have taken the request to not repeat what has been said all too literal. I apologize if that is so. Attached are the comments as I was prepared to give.

If my credentials have any weight, I have a doctorate in Ecology with my focus being aquatic science and conservation from headwaters to estuaries. I have worked on natural resource issues since the late 80's. I am currently appointed by the Governor to the New Hampshire Water Council. I have worked on multiple dam removals and know that the results can be (and usually are) breathtaking from both an ecological point of view as well as an aesthetic and recreational point of view. And one last note, the comments are written as a narrative and were bulleted. I removed those bullets and the structure so that they are more readable.

Please let me know if you have any questions.

Kindest regards,
Charles

Charles DeCurtis,
Ph.D.

*Freshwater Program
Manager*

charles.decurtis@tnc.org
Ofc :603.224.5853 x227
Cell: 610.790.3234
Fax: 603.228.2459

The Nature
Conservancy
in New
Hampshire
22 Bridge
St., 4th Floor
Concord, NH
03301



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of NATURE**

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Conservancy 

nature.org/newhampshire

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From: Todd Selig <tselig@ci.durham.nh.us>

Sent: Monday, January 11, 2021 10:03 PM

To: Charles DeCurtis <charles.decurtis@TNC.ORG>

Subject: Re: Tonight's comments

Dear Charles,
Yes. Please do.
Todd

Todd Selig
Durham, NH USA
Cell: 603.817.0720
Sent from my iPhone.

~~ Please pardon typographical errors.

On Jan 11, 2021, at 10:01 PM, Charles DeCurtis <charles.decurtis@tnc.org> wrote:

Mr. Selig:

I am new to the structure of town meetings in New Hampshire. I took the request to not repeat what had been said at face value. Would it be ok for me to submit my comments in full via email?

Regards,
Charles

Charles DeCurtis, Ph.D.

Freshwater Program Manager

charles.decurtis@tnc.org

Ofc :603.224.5853 x227

Cell: 610.790.3234

Fax: 603.228.2459

**The Nature Conservancy
in New Hampshire**

22 Bridge St., 4th Floor

Concord, NH 03301

<image005.png>

[nature.org/newhampshire](https://www.nature.org/newhampshire)

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The Nature Conservancy in New Hampshire
22 Bridge Street, 4th Floor
Concord, New Hampshire 03301-4987

tel [603] 224.5853
fax [603] 228.2459
nature.org/newhampshire

Dear Mr. Selig:

Below are my full comments regarding the Oyster River Mill Dam. I intended to give these in full until the council said that we should acknowledge previous commenters so to not rehash a viewpoint that has already been presented.

I would like to thank the “town council” for allowing me to say a few words regarding the Mill Dam. As an active member of the community, The Nature Conservancy is deeply committed to protecting our natural systems and restoring the health of the Great Bay Estuary through our work to restore our oyster population and to protect ecologically important landscapes. In recent years we’ve become increasingly engaged with working to address barriers to the flow of water and aquatic life along rivers that flow into the estuary. This includes our flagship tidal culverts project and our recent partnership with the town of Newmarket to replace a culvert on Bay Road, as well as supporting the removal of the Sawyer Mills dams on the Bellamy River.

Across the region there has been a growing movement to remove dams where the costs – including environmental, safety, and socio-cultural impacts – outweigh the benefits – including hydropower, flood control, irrigation, or recreation – or where the dam no longer serves any useful purpose. The goal of removal can be multi-faceted, including restoring flows for fish and wildlife, reinstating the natural sediment and nutrient flow, eliminating safety risks, restoring opportunities for recreation, and saving taxpayer money.

I am going to restrict my comments to a review about what the Oyster River means to migratory fish, oysters, and the ecology of the river and Great Bay. It goes without saying that removing the dam will open recreational opportunities and reduce safety risks, thereby relieving the need for the town to insure the dam structure against failure and other possible liabilities. The costs of environmental impacts, safety, and recreational/cultural impacts easily outweigh the intended purpose of most dams and many dams serve no useful purpose.

Ecologically, the habitats above the Mill dam have been negatively impacted by the presence of the dam but it is not too late for them to recover with the removal of the dam. Areas in the Oyster River where salt marsh systems historically were found are now freshwater marshes that are home to many invasive and nuisance species. These changes due to the presence of the dam have caused major shifts in natural food webs which are no longer able to sustain species and their habitats, including some of our most imperiled species such as the migratory fish, eastern brook trout, and American Eel, throughout the Oyster River Watershed. Furthermore, reinstating the natural sediment and nutrient flows in the Oyster River will benefit the health of the river (reduction in algal blooms, eutrophication events, etc.) as well as the Bay and Oyster Reefs.

The Oyster River has been a high priority for state and federal agencies for years. For example, the Great Bay estuary and river complex have historically supported a significant Rainbow Smelt fishery. This is in decline (2019 census is very concerning) and has reached an inflection point at which, without better recruitment, the fishery will go “extinct”. The Oyster River traditionally has been an important spawning habitat for both Rainbow Smelt and Blueback Herring which are species of concern and species of regional responsibility and historically upstream movement of fish like American Eel and river herring,

Comments from The Nature Conservancy – Oyster River Mill Dam

were an important food source for first nation people and early settlers; but, because many of our rivers have been dammed for centuries, we have lost this history, but we have the incredible opportunity here to restore the Oyster River system that has supported nature and people for tens of thousands of years. The future of these species (and others such as Alewife's, American Eel, etc.) and their fisheries are dependent on opening our rivers. The Oyster River is the highest priority for restoring fish passage completely. Fish passage structures are not the answer. Based on the above factors, the Oyster River is a conservation priority for TNC as well as state and federal agencies and it follows that if the town decides removal is the path they choose, TNC will be a willing partner in any way that we can help. In similar dam removal opportunities elsewhere, we've played a number of valuable roles including offering science expertise where helpful, supporting fund-raising efforts, and/or contributing to project management. In conclusion, the town of Durham has a unique opportunity to improve the health of the Oyster River, and of Great Bay. We appreciate the difficulty the Council has in making this decision. There are financial considerations, historical arguments, and individual property interests at play. These are all important considerations that the Council needs to weigh.

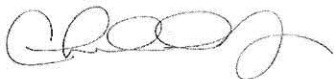
The Nature Conservancy would also ask the Council to take a step back and consider the broader implications of this dam to the natural resources of the town, the region and to estuary we are all committed to protecting and restoring. As I stated earlier, the Oyster River is an important natural system – and has played an essential role over tens of thousands of years for both the people and nature of this area. The dam once served an important purpose for the people of Durham, helping settlers survive and thrive by powering mills and shaping early industry. We respect and honor that history and that legacy and, the dam that remains at the head of tide no longer serves such a purpose. What we do know is that the natural resources that have relied on the river and the Great Bay ecosystem for millennia are still there – and they need our help – your help - if they are going to continue to survive and to thrive into the future.

The removal of this dam will reconnect a system that has been fragmented since the mid-17th century – returning species that native Americans relied upon back to their historic spawning grounds and allowing the river to once again flow unimpeded into the Estuary. While a decision to maintain the dam will keep things as they are today, it will not improve the health of the river system. Removing the dam will significantly improve the river ecosystem and restore this important waterway to its true historical context. We hope that the Council strongly considers the unique opportunity you have to reconnect this natural system after hundreds of years while honoring the role and legacy that the dam has played in the growth and success of the Durham community.

The Nature Conservancy stands ready to be a partner in helping to make this historic reconnection happen.

Thank you for the opportunity to provide comments.

Sincerely,



Charles DeCurtis, Ph.D.
Freshwater Program Manager
charles.decurtis@tnc.org
610.790.3234

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 10:16 AM
To: April Talon; Richard Reine
Subject: FW: Dam removal - feedback from nick Isaak
Attachments: Oyster River Dam graphic.pdf

Dear April and Rich,

For your general information. Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Todd Selig <tselig@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 10:14 AM
Subject: FW: Dam removal - feedback from nick Isaak

Dear Members of the Council,

For your general information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Nick Isaak <nick.isaak@gmail.com>
Date: Wednesday, January 13, 2021 at 10:13 AM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: Dam removal

Hi Todd,

Sorry if I missed the public hearing on this.

I am wondering if doing a draw-down on the dam and seeing what effect it has on the waterway upriver would be beneficial in helping the Town decide the best path forward?

I am attaching a graphic showing what I think would be the result if the dam is removed. Laurel Lane folks will likely lose waterfront, but there could be a way to regulate the flow and keep some open water.

I think there may be a "third way" that can restore the fish migration, but still retain fragments of the dam and transform the "pond" into a pastoral park setting.

In other words, keep the sense of place and historical nostalgia, but restore the ecology.

In fact, the aerial photo on google maps currently shows the pond largely filled in by sediment and grass.

<https://www.google.com/maps/place/Durham,+NH+03824/@43.1301887,-70.9216178,435m/data=!3m1!1e3!4m5!3m4!1s0x89e293823121d2fb:0xb98b6315035d65fd!8m2!3d43.1339545!4d-70.9264393!5m1!1e4>

On another note, I'd be happy to facilitate graphics or renderings to show how the park could look etc.

Sincere regards,
Nick

--
Nick Isaak
603-969-6711

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 11:19 AM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Dear April and Rich,

For your general information. Be sure to include with the correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Todd Selig <tselig@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 11:18 AM
Subject: FW: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Dear Members of the Council,

For your general information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Larry Harris <Larry.Harris@unh.edu>
Date: Wednesday, January 13, 2021 at 11:12 AM
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: Michael Dionne <Michael.A.Dionne@wildlife.nh.us>, April Talon <atalon@ci.durham.nh.us>, Richard Reine <rreine@ci.durham.nh.us>
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Dear Todd,

Thank you for forwarding the email for Michael Dionne. It is very informative and rather disconcerting too. I am an invertebrate zoologist so my understanding of fish biology and ecology is not a specialty. However, they are important predators of the species I do focus on so I do understand quite a bit. As I said at the hearing, I have observed the early runs when there was lots of obvious spawning activity in both the pond and the running portions of the Oyster River. I have also stood on the fish ladder and watched desperate herring trying to escape when almost no water was going over the spillway and the fish ladder was blocked.

Since most of the species that migrate into freshwater to spawn in New England (both herring species, smelt, salmon, shad) are capable of spawning in more than one year and need to return to salt water after spawning, I cannot fathom why a fish ladder would be installed that supposedly does not allow fish to go both directions. In addition, all those species, and the lampreys and eels, also have young (or adults in the case of eels) that must exit the freshwater and a blocked fish ladder is not going to allow that with low flow. Michael is correct that leaving the fish ladder open would impact water levels, especially since the water supply dam releases so little water during dry periods, but if one wants to find out if the fish can use the ladder to exit, then test it.

I have observed herring spawning runs in little creeks in Maine and somehow those fish make it both directions.

Based on how fish runs are managed in the Oyster River, it is not surprising that fish runs are declining.

It is also interesting that the water supply dam is a candidate for the same kind of fish ladder. But how are the fish going to exit after spawning if they can't exit the same kind of fish ladder on the Mill Pond?

All the best, Larry

From: Todd Selig <tselig@ci.durham.nh.us>
Date: Tuesday, January 12, 2021 at 4:05 PM
To: "Harris, Larry" <Larry.Harris@unh.edu>
Subject: FW: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Caution - External Email

Dear Larry,

For your general information.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: "Dionne, Michael" <Michael.A.Dionne@wildlife.nh.gov>
Date: Tuesday, January 12, 2021 at 1:58 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: April Talon <atalon@ci.durham.nh.us>, Richard Reine <rreine@ci.durham.nh.us>
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Hi Todd,
Here's a bit more feedback about some of the things I heard last night.

-As I mentioned in the last email we can't operate this Denil fishway as a downstream passage according to USFWS fish passage specialist. Even if we were to operate it this way all the baffles would need to be removed and the fish would be thrashed pretty hard against the wall when then make the 180 degree turn in the fishway on the way down. In addition, with the low in-flow into the Mill Pond impoundment during late summer, I think the fishway would likely lower the level of the impoundment quite drastically.

-There was some talk about what gains we would even have if the dam were removed with the water supply dam in place. NHFG considers building fish passage at the water supply dam a high priority (regardless of whether or not Mill Pond Dam is removed). We have already had a site visit with USFWS fish passage specialist. They indicated that the site was a great candidate for fish passage with a standard Denil fishway.

-It was mentioned by Larry Harris and another individual that the fishway is not run at Mill Pond Dam. The fishway has been operated each spring since 1976. The river herring run is usually over by the end of June, so the fishway is closed each year by the early part of July. I think the latest date of operation was July 6th. For many years the fishway was operated with an electronic fish counter due to the large fish run there. However, NHFG has been trapping the fish and hand counting each fish every year since '12. Both species of river herring (alewife and blueback herring) are considered a species of concern both state and federally. The severe decline of blueback herring in particular in NH is very concerning for NHFG. The Oyster River herring run was comprised of 100% blueback herring in 2000, now it is closer to a 50/50 mix of both species.

- Peak fish passage occurred in 1992 with 157,024 river herring passed, but has been generally declining since.
- Passage in 2000=70,873
- Passage in 2010=19,006
- Passage in 2020=4,655

-There was a lot of talk about river flow being restricted by the water supply dam. In low flow springs we do have problems operating the fishway. This has been the case the last few years with diminishing flows throughout the spring herring run. This makes it difficult to provide enough flow down the fishway to attract fish. In addition, with water flowing down the fishway, flow over the spillway tends to diminish to near nothing. After spawning the adult herring want to immediately migrate back to the estuary, but cannot drop over the nearly dry spillway. When people see the fish schooling at the dam "struggling" to drop over the spillway I think many believe there is some sort of an issue with the fishway, but that is not the case. Like I mentioned before we cannot operate the fishway for downstream passage, so the fish have to wait for a rain event to raise water enough to drop over the spillway. In addition, we often still have adult fish trying to migrate up to spawn, so have fish going both directions at once.

-Lastly there was a lot of talk about the contaminated sediments. This is more of question for VHB to answer, but I will say I haven't worked on any dam removal that didn't remove/stabilize existing sediments. It will be part of the package no matter what.

If you have any further questions or want something explained better feel free to contact me.

Thanks!

Mike Dionne

Marine Biologist

NH Fish and Game Department

225 Main St. Durham, NH 03824

(603) 868-1095, michael.dionne@wildlife.nh.gov

NH Fish and Game...connecting you to life outdoors

www.wildnh.com<<http://www.wildnh.com/>>,

www.facebook.com/nhfishandgame<<http://www.facebook.com/nhfishandgame#!/nhfishandgame>>

Did you know? New Hampshire Fish and Game has been conserving New Hampshire's wildlife and their habitats since 1865.

From: Todd Selig <tselig@ci.durham.nh.us>

Sent: Tuesday, January 12, 2021 11:13 AM

To: Dionne, Michael

Cc: April Talon; Richard Reine

Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Dear Michael,

Thank you for this feedback. We shall share it with the Council.

Todd

Todd I.

Selig<[, Administrator](https://urldefense.com/v3/https://www.ci.durham.nh.us/administration)

Town of Durham, NH

a: 8 Newmarket Rd., Durham, NH 03824 USA

t: 603.868.5571 | m: 603.817.0720 | w:

www.ci.durham.nh.us<[\\$>](https://urldefense.com/v3/http://www.ci.durham.nh.us/)

He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: "Dionne, Michael" <Michael.A.Dionne@wildlife.nh.gov>

Date: Monday, January 11, 2021 at 8:33 PM

To: Todd Selig <tselig@ci.durham.nh.us>

Subject: Mill Pond Fishway

Hi Todd,

I just wanted to make a comment about what Larry Harris talked about. I have operated the fishway on Mill Pond for 20+ years. The fishway has been in continuous operation since 1976. It is a Denil design fishway and according to USFWS fish passage specialist cannot be used as a downstream fish passage. It has never been operated as a downstream passage.

Thanks, Mike Dionne

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:06 PM
To: April Talon; Richard Reine
Subject: FW: Save The Mill Pond Dam - an email from michael mullins

Dear April and Rich,

Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Michael Mullins <mullinsmchase@hotmail.com>
Date: Wednesday, January 13, 2021 at 1:57 PM
To: Wayne Burton <wburton@northshore.edu>, Andrew Corrow <andrew_corrow@yahoo.com>, Allan Howland <thehowl@comcast.net>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <SallyNeedell@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Dinny Waters <dinnywaters@gmail.com>, Carden Welsh <cardentc2@gmail.com>
Cc: Todd Selig <tselig@ci.durham.nh.us>, April Talon <atalon@ci.durham.nh.us>
Subject: Save The Mill Pond Dam

As a long-time resident of the town of Durham (my family moved here in the 1960s and I grew up in Durham), I care about the town – history, traditions, and community.

I have read a good number of the letters, pro and con, from the community about the issue of the dam removal. (Thank you for *finally* posting them.) After due consideration, I strongly believe, along with many, many residents, that the dam must be saved.

Considering the interest of Durham citizens on this issue, should this issue be pursued, the dam's fate should be decided by a full town referendum. In the interests of transparency and to fully understand the will of the citizenry, I request your support that the dam's fate be decided by a full democratically determined vote by Durham citizens. Before that happens, a good deal more research needs to be done beyond what we have so far from VHB, and town citizens should continue free and open discourse on this issue.

There are many reasons to keep the dam, eloquently expressed by many of the letters and emails that have been sent to the town. Let me add my voice to their concerns with the following points:

- the Mill Pond Dam is a much-loved recreation place for all townspeople in all seasons; it has served the town in that capacity for generations;
- it is a beautiful view on a gateway into Durham passed by thousands of cars daily on Route 108 from Newmarket;
- the dam is a Durham icon, one of the first images on the web when one searches "Durham NH";
- residents donated and the town accepted donations of land and money to enhance public enjoyment of Mill Pond (several million dollars-worth); this land/money was donated in good faith and the town should act in good faith by honoring the reasons for and spirit of these donations;
- the Mill Pond ecosystem is established and natural after 370 years; dam removal will kill the plants, marine life and deleteriously affect the flora and fauna in this area;
- the 1913 dam is historic, it is listed on the NH Register of Historic Places;
- the 1913 dam is eligible for the National Register of Historic Places in ten categories, which is rare and underscores the historic value of the dam;
- VHB, the town's consultant, unfortunately misrepresented the current Mill Pond ecosystem and future outcomes, claiming dam removal would be a "restoration of the natural river." This is incorrect and does not take into account the other dam on the river. For whatever reason, VHB did not analyze or mention the impact of the UNH dam and reservoir. Most residents do not know that dam blocks the river upstream, radically affecting the health of the Mill Pond;
- removing the dam may well result in a swamp, not a free-flowing natural river.

In sum, I believe this historic community landmark in the very heart of Durham must be protected. If the Town Council decides to pursue this issue, please ensure there is a full referendum available to Durham citizens to vote.

Sincerely, Michael Mullins

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:47 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond dam - feedback from Roanne Robbins

Dear April and Rich,

For your information. Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Roanne Robbins <roannerobbins@me.com>
Date: Wednesday, January 13, 2021 at 2:44 PM
To: "tsellig@ci.durham.nh.us" <tsellig@ci.durham.nh.us>, Durham Town Council <council@ci.durham.nh.us>
Subject: Mill Pond dam
Resent-From: <council@ci.durham.nh.us>

Hello Mr. Selig and Town Council Members. Thank you for posting the public comments and letters on the town website. I spent some time reading them today and noticed that the letter I submitted was not included. I am concerned that my letter and possibly others may not have reached the Town Council. I submitted this letter to Jennie on Wednesday, January 6th, at 9:55 am. I am attaching my original letter to this message and extend my sincere apologies if this is a duplicate.

Thank you for all that you do.

Warmly,
Roanne Robbins

Dear Members of the Town Council,

2020 is finally over, and 2021 is off to a promising start. The new year is ushering in the opportunity to restore the Oyster River Watershed. It is a time for regeneration and new beginnings for some; however, loss and uncertainty still hover overhead for others. Sense of loss is inherent in the notion of dam removal ... an object is being removed, and the

essence of unpredictability is being cast. When so many parts of our lives feel out of control, it can be easy to resist change even when there is undeniable ecological gain.

Removal of the Mill Pond Dam will restore ecosystem health and form a renewed connection to a free-flowing river. The creative community visioning and dialog I have observed in Durham gives me hope that we can channel that fear of the unknown into fresh opportunities for diversity, connectivity, reciprocity, and resiliency ... characteristics that I feel the town champions and celebrates. As we navigate our way through this pandemic, the time is right to extend the work we are doing to fight for justice, equity, and science to our riparian community.

Restoring relationships to land is just as important as the restoration of our ecological systems. Building these relationships requires a radical shift in perspective and values, one that brings community and environmental awareness together, offering ways of being and practical tools that can both transform existing systems and create new ones. It is a restoration rooted in the principles of reverence, interconnectedness and embodied through acts of compassion, service, and stewardship for the Earth. The opportunity to honor the river and its inhabitants and restore the natural flow is upon us. I urge you all to act now and start the removal process.

Removing barriers in thinking about the future of the Oyster River watershed is important and challenging. We must cultivate attentiveness to the specific and situated ways in which the fates of multiple species are bound together in the Anthropocene. I have hope that all concerned parties can come together and celebrate a free-flowing river. I'm inspired to engage in the hard work ahead and would love to close this letter with a poem that hits close to home and is featured in the *Scientific American, January 2021 Issue* titled "Poem: Letter to 2050".

<https://www.scientificamerican.com/article/poem-letter-to-2050/>

Thank you for the time you dedicate to serving on the Town Council.

Respectfully,

Roanne Robbins
343 Dame Road, Durham

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:50 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam - information from Tom Palmer

Dear April and Rich,

Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:48 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Pond Dam

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: TW Palmer [mailto:thepalmerfamily@me.com]

Sent: Wednesday, January 13, 2021 2:13 PM

To: Jen Berry

Subject: Mill Pond Dam

Good afternoon, Ms. Berry.

A friend reached out to inform me of the ongoing discussion with regard to the historic pond and dam in town and suggested some degree of urgency with respect to that issue today. I am a resident of Durham and am in favor of the town's further examination of maintaining and sustaining the dam and the pond with an eye toward the preservation of both.

Many thanks for your consideration.

Tom Palmer
10 Deer Meadow Rd

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:54 PM
To: April Talon; Richard Reine
Subject: FW: In favor of stabilization of Mill Pond Dam - Janet Polk

Dear April and Rich,

For your information. Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:52 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "kittyfmarple@comcast.net" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: In favor of stabilization of Mill Pond Dam

Dear Councilors,

For your information.

Jennie-

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Polk, Janet [mailto:Janet.Polk@unh.edu]
Sent: Tuesday, January 12, 2021 8:56 AM
To: Jen Berry
Subject: In favor of stabilization of Mill Pond Dam

Dear Town Council members:

Thank you for the opportunity to hear both sides of the Mill Pond dam stabilization/removal issue. Thank you for your further deliberations on this issue. Thank you also for your tireless efforts to serve all members of the Durham community.

We have lived at 20 Laurel Lane for the past 6 ½ years. My husband lived in Durham for years before that on Newmarket Road and his children grew up here and went to Oyster River Schools.

Although we live on the Hamel Brook portion of the Mill Pond, I came to the meeting in a neutral position. After hearing compelling arguments on both sides, the one argument in particular that moved me to the side of stabilization rather than removal was the information that Janet Mackie gave us about the Oyster River Dam and that the Oyster River is already impounded further up the stream.

We lived in Nottingham NH for 27 years before coming here and lived on Nottingham Lake. We were there when the dam broke in the epic storm of 2006. What was left after were 19 acres of mud flats that were singularly unattractive and smelly for 2 plus years. The Little River became a trickle that decreased in size the next year. Some grasses grew on the flats the next year but were sparse. When winter came and the mud froze providing what we hoped was an opportunity to walk the lake turned out to be a disappointing mass of jagged and treacherous footing. The second summer I thought it might be dry enough to walk the mud but at the first step, I went up to my ankle and had to pull out my foot minus shoe.

The one positive aspect of this situation was that we had substantial property tax reduction from the Town of Nottingham. We would expect Durham to do the same if we are faced with the dam removal.

With the impoundment of the Oyster River upstream, the small flow that we now see of the Oyster River by Mill Road properties will be the same trickle as it continues to what was the Mill Pond. Those of us on the Hamel Brook end will have an even smaller amount flowing by our homes.

With so many variables in this very important decision and the Town of Durham as a whole affected, I would like to see this come to a vote by all town residents.

Thank you again.

Sincerely,

Janet Polk

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:54 PM
To: Richard Reine; April Talon
Subject: FW: Dam support - James Hollister

Dear April and Rich,

Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:52 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Dam support

Dear Councilors,

For your information.

Jennie-

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: James Hollister [mailto:jhollister66@gmail.com]

Sent: Wednesday, January 13, 2021 12:33 PM

To: Jen Berry

Subject: Dam support

Hi, just wanted to drop a note that I am in favour of keeping the oyster river dam.

Thanks,

James Hollister
123 Marburg rd

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:57 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam - Leslie Mooradian Jenner of Chicago

Dear April and Rich,

Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:54 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Pond Dam

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Leslie Jenner [mailto:lesliejenner712@gmail.com]

Sent: Tuesday, January 12, 2021 2:26 PM

To: Jen Berry

Subject: Mill Pond Dam

Hello,

I grew up in Durham and have very fond memories of the Mill Pond. In the summer, we would visit the swans and pray that some of the eggs and babies made it to maturity. In the winter, we would skate both on the pond and up the river. Many a hockey game was held that included children of many ages. Nothing was more wholesome than clearing the ice, skating and then going home for hot chocolate. When visiting Durham with my own children, we always made skating on the pond a feature of our winter visits.

The dam itself is a beautiful and unique feature of Durham. It is historic and picturesque. It would be a shame NOT to repair it and keep this relic of the past.

Towns are much too quick to dismantle the things that make them exceptional because of the dollar signs. Things like the Mill Pond Dam can not be recreated.

Please vote to keep the Dam. Generations of families will benefit from this decision.

Leslie Mooradian Jenner
Chicago

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:01 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam Feasibility Study (comment) - Deborah F. Johnson

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:59 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Pond Dam Feasibility Study (comment)

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Deborah Johnson [mailto:djohnson@maine.edu]
Sent: Monday, January 11, 2021 5:10 PM
To: Jen Berry
Subject: Mill Pond Dam Feasibility Study (comment)

Dear Town Councilors,

As a resident of Durham for 32 years, I am writing to express my view on the proposed options for stabilization versus removal of the Oyster River Dam at Mill Pond. I am strongly in favor of the removal of the dam for several reasons.

First, I want to note that when we first arrived in town we very much enjoyed Mill Pond. My children enjoyed watching the swans, picnicking at the pond's edge in warm weather and skating on the pond in winter. But as the pond became increasingly choked with weeds and the swans departed, our enjoyment of Mill Pond declined. When the town chose to dredge the pond (at considerable expense) we were quite hopeful, but the effects of the dredging were temporary and Mill Pond became increasingly marsh-like in character.

Thus, I have followed the debate over the future of the dam with great interest. As I have listened to discussions of the issue from multiple perspectives, read portions of the feasibility study report and participated in discussions of these complex issues, my original view ("save Mill Pond") shifted. Chief among the reasons for the shift in my viewpoint is the oxygen impairment and thermal pollution within Mill Pond--it is not a healthy nor fish-friendly pond. Secondly, given the increased sediment that has collected in the pond we might be reaching a point where we need to rename it "Mill Marsh." Finally, although the dam and pond have commercial and technological significance in Durham's history, we would do well to remember that our region's human history extends further back than the colonial period and that free-flowing rivers played an important role in the lives of indigenous peoples.

Should the dam be removed, I too will miss the Mill Pond that I remember. But I believe that what I will miss no longer exists. And I know from many walks along local rivers, including sections of the Oyster River, and from pleasant picnics at the Durham Town Landing, that rivers are also beautiful. Rivers have historical, cultural and environmental significance and are worth preserving. Though change is always unsettling, If the dam is removed, I am confident that Durham residents will generate creative ways of honoring the significance of the former Mill Pond dam in our history and culture.

Thank you for providing me this opportunity to express my view.

Sincerely,

Deborah F. Johnson
309 Packers Falls Rd.
Durham, NH 03824

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:42 PM
To: Carroll, John
Cc: external forward for dcarroll; April Talon; Richard Reine
Subject: Re: the danger of divisiveness over the dam issue - John Carroll

Dear John,

Thank you for your email. I've shared it with the members of the Council as well for their information and consideration.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: John Carroll <John.Carroll@unh.edu>
Date: Wednesday, January 13, 2021 at 3:12 PM
To: Todd Selig <tselig@ci.durham.nh.us>
Cc: Diana Carroll <dianacarrollnh@gmail.com>
Subject: the danger of divisiveness over the dam issue

Todd,

As I'm sure you will agree, this is not a time for more divisiveness either in our town or our country. There are lots of good people on both sides of the Oyster River Dam issue. That divisiveness/disagreement can only do us damage. It's time to put the dam issue on the shelf for a while, six months, or a year, and see what opportunities develop with the new federal administration which may be of benefit to our town - in either direction, re-building or taking down. There is no danger to anyone downstream if we wait.

John

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:49 PM
To: April Talon; Richard Reine
Subject: FW: Please send to the Town Council for the Public Hearing on the Mill Pond dam January 11 - anita pilar

Dear April and Rich,

Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
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Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:11 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Please send to the Town Council for the Public Hearing on the Mill Pond dam January 11

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Andrea Bodo [mailto:afbodo@comcast.net]

Sent: Friday, January 08, 2021 7:45 PM

To: Jen Berry

Subject: Please send to the Town Council for the Public Hearing on the Mill Pond dam January 11

Hi Jennie,

Anita Pilar is now blind and unable to navigate email so she has asked me if I would forward the letter that she sent to the HDC about the dam, to the Town Council as well.

Many thanks

from Anita Pilar
Church Hill apt 9 Bldg B
Durham NH 03824

Begin forwarded message:

From: Daphne Gowland <daphnegowland@yahoo.com>

Subject: letter from Anita Pilar

Date: January 7, 2021 at 6:45:20 PM EST

To: "kedwards@ci.durham.nh.us" <kedwards@ci.durham.nh.us>, Andrea Bodo <afbodo@comcast.net>

I'm sending this on behalf of Anita Pilar. She wrote a hand written letter and asked me to submit this for her.

To whom it may concern:

My name is Anita Pilar and I have been a resident of Durham for 63 years. Most of that time was at 26 Newmarket Road and for the past several years at Churchill apartments on the Mill Pond. I treasure the many historic landmarks and the history behind them. The Mill Pond Dam is one of the most historic. It was once the most beautiful park and recreation area in town and it can be again.

Can you imagine how unsightly the Mill Pond area would be without the Dam? The lovely homes along Mill Pond Road and part of RT 108 would be adversely affected. The back yards that border the pond would be not only unsightly but stinky, like a sewer! Property values would be lower resulting in yearly loss of tax revenues. Would you want to live on the Mill Pond under these circumstances? Please do not remove the dam!!! Money is important but so is quality of life!

Anita Pilar

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:52 PM
To: April Talon; Richard Reine
Subject: FW: Letter to the town Council re: The Mill Pond Dam - Susan Polk Nichols
Attachments: Letter to the Town Council.docx

Dear April and Rich,

Public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:06 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Letter to the town Council re: The Mill Pond Dam

Dear Councilors,

For your information.

Jennie-

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Nichols [mailto:susannanichols@optonline.net]
Sent: Sunday, January 10, 2021 10:10 PM
To: Jen Berry
Subject: Letter to the town Council re: The Mill Pond Dam

Date: January 10, 20201

From: Susanna Polk Nichols

To: Durham Town Council

Re: The Mill Pond Dam and Pond

I own the property located at 10 Newmarket Road in Durham which abuts the Mill Pond. Several years ago, I purchased the property and have since undertaken a significant restoration of the house. My motivation for taking on this project was simply a belief that this beautiful house should be saved and that supporting Durham's Historic District was worthwhile.

My family moved to Durham in 1965 and I grew up in the Historic District. Winter afternoons and weekends were spent skating with friends on the Mill pond and up the Oyster River. In the spring and summer, we watched the swans and counted their cygnets every year hoping some of them would survive the turtles. I often walked or rode my bike past the dam and pond on my way to school or town. These are among the most beautiful and iconic images I know of Durham. Although I now live in Connecticut, my father still lives in Durham and I love to visit when I can.

Since the dam feasibility study was undertaken, I have been troubled that the analysis has lacked vision regarding these beautiful town assets, which have real value. Rather the focus has been on the short term costs of dealing with an aging dam and neglected pond, as well as a "one-size-fits-all" view that all river dams should be removed. There appears to be a lack of consideration of the longer term costs of mitigation required under the various options. Nor is there adequate accounting for the negative effects on aesthetics, property values, or opportunity cost of lost recreational resources. It also seems to me that there are credible environmental arguments contrary to the one advocated in the study that have not been fully considered.

I strongly support preservation of the dam without dredging at this time. In the future I also encourage consideration of creative solutions for the pond in recognition of the tremendous value of this town treasure.

Respectfully,

Susanna Polk Nichols

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:54 PM
To: April Talon; Richard Reine
Subject: FW: You might get 2 copies of this....I'll merge the lists later !!! - Daphne and Chris Gowland | Re: Mill Pond Dam on the Oyster River

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
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Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:05 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardenc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: You might get 2 copies of this....I'll merge the lists later !!!

Dear Councilors,

For your information. Doesn't look like she actually sent to members of the Council.

Jennie-

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Daphne Gowland [mailto:daphnegowland@yahoo.com]

Sent: Monday, January 11, 2021 10:21 AM

To: Beth Olshansky; Thomas Toye; Janet Polk; Larry Harris; peleharrison@yahoo.com; Jim Dreher; Annmarie Harris; Suzy Yoder; Daniel Day; Keith Polk; Sandy & Roger Evans; Jim Munsey; Doug Worthen; Suzanne MacDonald; Andrea Bodo; external forward for dcarroll; Diane Freedman; Joshua Meyrowitz; Steve Burns; Susanna Nichols; Janet Mackie; Coleen Fuerst; external forward for Ischwartz; Greg Sancoff; Chris Gowland; Deb Munsey; Jeffrey & Tina Hiller; Scott Letourneau; Dennis Meadows; Andrea Bodo

Cc: janalone@comcast.net; Abraham Brody; Cindy Cooper; joanbigwood@gmail.com; Newkirk, Thomas; Louise Kandle; Phyllis Heilbronner; Jen Berry; Chris Gowland

Subject: Re: You might get 2 copies of this....I'll merge the lists later !!!

Dear Council Members,

As residents of the town and homeowners on the Mill Pond we are very interested in this issue and this decision. We have read and watched all the presentations, we have consulted with environmental experts and appreciate all the time and effort that has gone into such an important and historic gateway to Durham. With 600 feet of waterfront on the Mill Pond our vote is for the dam to be stabilized and remain. IF we had more flow from upstream we may feel different but all indications imply what will be left after removal would be a trickle of water, a tidal swamp, and considerable growth of invasive plant species. The town of Exeter was successful in removing their dam but they also had a big body of water upstream and was also not tidal.

We have concerns about impacts to the current and migrating wildlife we see here that has adapted to this resource over the many years. We are especially concerned about odor and mosquitoes from a tidal swamp, and loss of the centerpiece of activities and history for the town if the dam is removed. There have been several important environmental impacts addressed if the dam stays but there could be comparable damage with removal due to mobilization of toxins within accumulated sediments and very possibly unexpected impacts not yet quantified. We would strongly pursue tax relief should our property status change from waterfront to swamp-front.

Thank you,
Chris and Daphne Gowland
28 Newmarket Road

On Sunday, January 10, 2021, 03:37:05 PM EST, Andrea Bodo <afbodo@gmail.com> wrote:

Hi Beth,

There seems to be two lists of FRIENDS OF MILL POND circulating.....I have some of this group on my list and others....maybe they should be combined. I will add FRIENDS OF MILL POND to my list and to those getting duplicates, I apologize... I will try to merge them later today.....

I have been working with Maggie Stier at the NH Preservation Alliance (which is the advocacy group for National Register properties..... the dam is National Register eligible.) She came up with the idea of seeking a REFERENDUM and we would only need 250 signatures. She has a SELECTMAN form of government.

I spoke with Todd and he said we are a CHARTER form of GOVERNMENT and to submit a citizens WARRANT ARTICLE would require 750 signatures.....The BALLOT has already been completed for this March. The TC can add on to it but at present, it is too late for a CITIZENS WARRANT ARTICLE. Dennis Meadows and I thrashed out the possibility of putting

this to a REFERENDUM vote and then felt maybe that is not a good idea. Andrew Corrow, chair of HDC and Town Councilor said he plans to ask to delay the vote because they will be having a presentation, then a PUBLIC HEARING and it will be too much to digest.

My current idea is to try to delay the TC vote.....and enlist the support of more groups.... I.e. Land Stewardship (where Ellen Snyder is coordinator and she was supportive of preserving the dam).... Parks and Recreation (this Pond is a great resource for recreation), adding some conservationists from the town that would be open to preserving the Pond.....and bringing that to the Conservation Commission.

On the federal level PRESERVATION and CONSERVATION work together. Why can't we ?
Anyhow, Dennis is going to ask that the DAM be put on the next LSC mtg Agenda this Thursday.

Best,
Andrea

On Jan 10, 2021, at 3:06 PM, Beth Olshansky <Beth.Olshansky@comcast.net> wrote:

Diane,

Thank you for writing your letter. I hope you and others on this list (even those like Larry Harris who also have already sent in excellent letters) will take a moment to speak at tomorrow night's public hearing on the Dam. With ConCom's full support of dam removal, and despite the HDC's opposition, I will not be surprised if the TC votes in favor of removal— UNLESS there is a rallying cry from the public to put this question to the voters at the next election.

To all who see this letter, please join me tomorrow on Zoom to ask the TC to put this item on the March ballot.

Thank you.

Beth

On Jan 10, 2021, at 2:17 PM, Freedman, Diane <Diane.Freedman@unh.edu> wrote:

January 19, 2021

Dear Council Members,

First, I apologize for the length of this letter and am grateful for your attention to it!

Where I am coming from: I have spent thirty years along the impoundment dammed by the Oyster River Dam and have worked to maintain its quality (I served on the Mill Pond Task Force of the Durham Conservation Commission and am responsible for the signs about not feeding the wild fowl; the Master Plan Committee, and the Parks and Recreation Committee; I have written a book of poems and essays centered around what I have observed here; I teach university courses in nature writing; and I have written and spoken to the Town before on issues pertinent to the Oyster River dam and impoundment area). I have reviewed all the Mill Pond documents available on https://www.ci.durham.nh.us/boc_conservation/mill-pond-park-dam-including-

milne-property and provided by the Town prior to public meetings as well as heard, pros and cons, from community members, the HDC, the Conservation Commission.

All things considered, I support stabilizing the Oyster River Dam and its four-century-plus ecosystem (both biological and cultural). Thus, I concur with the views expressed by, among others, Dennis Meadows, Larry Harris, Beth Olshansky, Jeff Hiller, and Joan Bigwood Osborn. Keeping the dam is the simplest and probably ultimately least expensive option. It is certainly the option about which we can feel we know the most going in and also most honors the sentiments of previous Councils, committees, and residents.

While recognizing a different ecosystem perhaps existed previously, there have been too many changes, too much sedimentation, and there will be too many invasive plant species to easily facilitate a free-flowing river (see letters from Meadows and Harris). Moreover, the global seas will rise. Finally, as Dennis Meadows points out, with a new administration, there may well be funds to assist in dam restoration at the federal level (there is already language in state law offering to help with loans for the myriad purposes of a dam).

I elaborate below upon these and other reasons for stabilizing the dam.

-The Ambrusen dam itself is of HISTORICAL significance and on the NH Registry of Historic Places (one of 7 to save, it was thought), but so is the dam site itself, as there were dams before the present one. (Thus, even if the present dam is refurbished or replaced, it is both the dam and the pond and the upriver beyond that have been central to Town and university history and memories. I take special notice of the recent letter of the HDC provided to the Council.

-Moreover, while removing dams holds ecological value in many places, the research is not in fact clear or strong on dam removal on small waterways or in New Hampshire and certainly not on a LOW-GRADIENT, LOW-FLOW, SMALL DAM IN THE HEART OF TOWN, IN ITS HISTORIC DISTRICT.

-The dam is beloved, remembered, and an iconic image not only in the minds of residents but of past and present university students, faculty, and staff.

-In a Town that values open land and public parks, the pond/impoundment is a defacto park or OPEN LAND, already possessed. If public funds are needed to restore the dam or raise it in height (which may helpfully increase the body of water), at least they will not be needed to purchase and create the open space in the first place).

-The pond and beyond offers RECREATION good for PUBLIC HEALTH and MENTAL WELL-BEING as well as a COMMUNITY MEETING SPACE. In seasons with open water, the impoundment floats boats; in winter, the full length of the impoundment it hosts skaters, skiers, snowshoers, winter walkers, even, at times, a champagne celebration of New Year or a chili cook off. The impoundment serves as a destination but also as a frozen bridge to and from the Foss Farm trails at the upper reaches and the MacDonald preserve in the middle and the Orchard Drive parcel as one moves down in the direction of small park near the end of Mill Pond Road. The various routes will be impassable to humans were the dam to be removed and there will be no more skating, skiing, snowshoeing, walking, or boating on what was the impounded waterway.

-To the 35 residents of my street, Laurel Lane, losing the dam means loss of our backyard place to skate, walk, snowshoe, ski, boat, and meet up with community members while doing so (not

to mention lowered property value). Our car-free direct route to the many woods along the river goes away (the trail starts directly across from the properties at the Newmarket end of Laurel Lane). The river leads us now to Foss Farm trails and beyond. Losing it (make no mistake; removing the dam will never mean a free-flowing river or a place that freezes evenly enough to risk walking without muck or suck); we on Laurel Lane will lose our room to roam without hitting busy route 108. We will lose, I daresay, the strongest reasons most of us chose this street on which to reside!

-Its wide expanse affords complex scenic views and a DIVERSE ECOSYSTEM. Bear, coyote, bobcat, mink, otter, muskrat, beaver, fox, cormorant, osprey, great blue heron, kingfisher, seagull, swallows, bats, dragonflies, butterflies, painted turtles, snapping turtles, red-eared sliders, the rare blanding's turtle, green frogs, bull frogs, spring peepers, salamanders, sunfish, perch, ducks, mergansers, geese, swans, waterlilies have all been seen, not a monoculture or full wall or screen of glossy buckthorn and deciduous trees climbing with poison ivy. Open space and many of these species will disappear with dam destruction and removal.

-The impoundment itself performs due diligence at KEEPING BACK GLOSSY BUCKTHORN, JAPANESE KNOTWEED, POISON IVY, PURPLE LOOSESTRIFE AS WELL AS MOSQUITOES AND TICKS, all species global warning is posited to make more prevalent, the latter of which carry disease. It is the view of many that removal of the dam will make the battle against these invasives that much harder and way more costly in the heart of our Town.

-It also keeps down the threat of these species on contiguous landscapes, the three dozen or more abutting residences, and those farther away, too, those yards where birds and animals disseminate seeds. The fewer plants one place, the fewer in others, in other words. Thus the water and what it does makes for greater resident enjoyment of their space, public and private.

-The dam helps keep in place the SEDIMENT that the vhb team discusses will be mobilized through dam removal. As Dennis Meadows has noted in a correspondence to neighbors:

page 54 of the report states "In total, dam removal is expected to cause increase [to] the sediment load to the tidal reach beyond NH 108 by more than 262,000 ft³ in 50 years." To visualize this 262,000 ft³ spread 2" deep would cover an area almost four times the size of the Mill Plaza. [The report indicates] "various metals including arsenic, cadmium, chromium, lead, and mercury (plus pesticides and polycyclic aromatic hydrocarbons) were also detected in the sediment samples." [According to VNB, at every sampling station above the dam a metals concentration was found that] "indicates high risk of adverse effects to ecological receptors . . . accumulated sediments will remobilize."

(If dredging is recommended, it will be easier to dredge out sediment above a dam than below it, in tidal waters.)

-Occasional draw downs when the dam has been opened have revealed to us that if the fullness of the river and beyond goes away, the now impounded area will grow glossy buckthorn, brambles, poison ivy, purple loosestrife, lose the open water that keeps off ticks and attracts the balance of creatures that keeps away the mosquitoes that attend the tidal parts of town and the deep woods. It will be a forest of glossy buckthorn impassable on foot by humans except in places cleared out (ask the owners of the Mill Pond Center property about their path along the pond edge or check out the island by the Olson home), harboring more ticks and mosquitoes than at present. It will be smelly.

-The edges of the Mill Pond itself on the Town side were largely impassable and inaccessible (and the view of the pond obscured) until resident Julian Smith and other volunteers did some regular clearing and adding of granite boulder benches. Thus, we should know it is not as though un-damming the river will suddenly signal a time of no or low maintenance. Dam removal may mean a temporary open channel for a small part of the area closest to the Mill Pond, but upstream, it will be mud flats, plant matter, trees, little hot pots and spots of wet. It will be fish, frogs, and turtles in a barrel—indeed, in a skillet—for herons, seagulls, cormorants. Then the narrow and shallow channel itself will be crowded in with shrubbery, trees, poison ivy. It will be too wet to walk on and too uneven and vegetated for skiing. It will not be navigable by boat. The problem of the river is constraints upstream and infill not only from eutrophication but road washout such that, as Jeff Hiller points out, opening the dam at times can help the fish (for which a fish ladder was created) without the entirety of the ecosystem—biological, cultural--being destroyed.

-Anyone in Durham can see this fill in with undesirables even if they do not walk in the woods—just about anywhere roadway edges have been disrupted, as by the recent expansion of route 108, invasives (poison ivy, that invasive mustard-related plant) or simply nuisance vegetation thrives, and its removal/maintenance is likely under or not calculated in the cost of making such changes as the Town or the State have. Other experiences with the difficulty of invasives can look to the Doe Farm experiment and the knotweed that tasks Public Works along Mill Pond Road.

-Finally, several of us have provided photographs in the archives of what the area looks like when the dam has been opened. It is NOT a pretty sight and though less unsightly perhaps decades after dam removal—it will also likely not even be the “meadow” Dennis Meadows says might be the outcome of doing nothing but a “sight” no humans can get to because of the whip-like glossy buckthorn. Better occasional openings than a permanent one.

-Thus, maintenance of the aftermath of a removed dam, even just in the immediate pond area let alone the upstream “pond,” will likely be just as or more costly than dam and pond maintenance would be.

-The loss of PROPERTY-TAX REVENUE, through re-assessments, as the resource that drew residents here is diminished in the ways outlined, needs to be taken into account along with the simple unhappiness then with the property, location, Town, and quality of life.

-Every one of the residents on or near the length of the impoundment moved there because of what the pond and beyond offers them; it is what they are willing to bite the bullet and pay our high taxes for even though many lack there other services our Town provides residents or other Towns provide theirs.

-The Newmarket dam over the Lamprey River is far larger and likely more expensive to repair and maintain, but Newmarket recognized the social, aesthetic, economic, recreational, historic benefits and more of keeping it even with the much greater flow at its place along its river than ours would ever enjoy. Like Newmarket, Durham is on the scenic Mill byway.

I urge that all of these aspects—history, health and recreation, economics, ecology, scenery, simplicity, community

Diane P. Freedman

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:55 PM
To: April Talon; Richard Reine
Subject: FW: Mill Dam Removal - George Nardi

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:01 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Dam Removal

Dear Councilors,

For your information.

Jennie-

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: George Nardi [mailto:george@wagonhilloysters.com]
Sent: Monday, January 11, 2021 2:43 PM
To: Jen Berry
Cc: 'Berlinsky, David'
Subject: Mill Dam Removal

Hi Jennie,

I have just heard about the potential for the Mill Dam removal in Durham and the possible impacts that may occur downstream.

While I am well aware of the benefits, I am not aware at all of the potential damage it may cause my oyster company, Granite State Shellfish, LLC (Wagon Hill Oysters), for this reason I have a concern and think we should know if there would be any implications to contamination or elevated bacterial levels, viruses present or toxins that could be released and impact the health of the shellfish downstream and most importantly our ability to harvest a safe product. Our farm is one of several at the mouth of the Oyster River.

Naturally I am interested to learn of the safeguards that will be put in place to prevent and monitor any negative impacts.

After the impacts of Covid-19 on the shellfish market thus our business, we do not need another unforeseen insult to the business and our livelihood.

Please understand our concern.

Best Regards,

George Nardi

Co-Owner Granite State Shellfish, LLC



George Nardi
Co-Owner
Wagon Hill Oysters
george@wagonhilloysters.com
603-498-1715

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 4:14 PM
To: April Talon; Richard Reine
Subject: FW: Comments for the Durham Town Council meeting dated tonight at 7 pm 01/11/21 - Colleen Fuerst and Jim Dreher | Mill Pond Dam on Oyster River
Attachments: Durham Town Council Meeting_911121.pdf

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 2:58 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Comments for the Durham Town Council meeting dated tonight at 7 pm 01/11/21

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824

(603) 868-5571

From: Coleen Fuerst [mailto:cfuerst@durhamboat.com]

Sent: Monday, January 11, 2021 5:52 PM

To: Jen Berry

Cc: Jim Dreher

Subject: Comments for the Durham Town Council meeting dated tonight at 7 pm 01/11/21

Jen,

See attached comments.

Jim Dreher & Coleen Fuerst

264 Newmarket Rd.

Durham, NH 03824

January 11, 2021

Durham Town Council
c/o Jen Berry
jberry@ci.durham.nh.us

RE: The Mill Pond Dam

Dear Durham Town Council,

We, James Dreher and Coleen Fuerst, 264 Newmarket Rd. Durham jointly prepared this letter of objection to the Durham Town Council voting unilaterally without a full referendum by the town to remove the Mill Pond Dam, thereby removing the gateway icon of Durham, its Mill Pond Dam.

We are hereby expressing our desire to keep the Dam and review other alternatives to:

- 1) Not move forward on removal of the Dam:
 - a.) However, we encourage that the council votes for repair or replacement of the dam and to put it up for a town vote:
 - i) We recommended getting in touch with a specialist in Dam Repair such as Kleinschmidt Group – Dam Safety Engineering to get a second opinion. We are concerned about only getting a plan from VHB because their views and suggestions mirror those of NHDES dam removal group only. I think we should have an unbiased opinion. In the past Coleen worked on a Dam related project that Kleinschmidt Group also worked on. Coleen worked much larger dam project getting a FERC permit application and the breach analysis together and knew that the Facility Engineering person hired them with assistance with gates, penstocks and other dam related work needed to reactivate a hydroelectric-generating facility.
 - ii) Repair/replacement of the 108-year-old Mill Dam using 21st century materials in an Ambursen “buttress” style is needed and also modification of the fish ladder to allow two-way travel migrating at slightly different times if needed.
 - b.) Review the potential of getting a Dredge and Fill Permit from NHDES to remove the sediment using suction as opposed to mechanical dredging, if it is a viable alternative to increase water level in pond and bring it back to better water quality.
- 2.) In reading the Draft Report – We saw that the Oyster River does not get much water flow from the branch of the Oyster River that extends to the new Water Treatment Plant. The Hammel Brook discharge comes into play when water enters Hammel Brook from the area upstream of the impoundment behind the Ross Rd. area and also from Longmarsh during a rain event and then more aggressively when the Bridge Breaches during a major flood event in the region which can cause the Lamprey River at Moat Island Pond to reverse directions at LaRoche and Ellison Brooks, with water coming out of the North End of Moat Island which finally overtops Rt. 108. This has caused the bridge at Longmarsh Rd. to breach, leaving the people living on Bennett Rd. to be isolated during a flood event from Rt. 108 to Packers Falls Rd. A

grant that was received from the Army Corp of Engineers, but never implemented, which would have been the first step in mitigating a large pulse of water hitting the Oyster River and then the Mill Pond.

The highest flood event that we saw in May 2006 affecting the combination Lamprey /Oyster River twin water shed was measured at the Lamprey River Gage near Newmarket (Packers Falls Durham). The April 2007 flood was almost as high and the March 2010 flood was quite a bit less impactful.

2006 Flood	Lamprey Gage	Date/ Time	v in Cubic Ft/sec.					
	01073500	20060516041500	EDT	1	1	8960	3	E
	01073500	20060516043000	EDT	1	1	8960	3	E
	01073500	20060516044500	EDT	1	1	8960	3	E
	01073500	20060516050000	EDT	1	1	8970	3	
	01073500	20060516051500	EDT	1	1	8970	3	E
	01073500	20060516053000	EDT	1	1	8960	3	E
	01073500	20060516054500	EDT	1	1	8960	3	E
	01073500	20060516060000	EDT	1	1	8960	3	E
	01073500	20060516061500	EDT	1	1	8950	3	E
	01073500	20060516063000	EDT	1	1	8920	3	E
	01073500	20060516064500	EDT	1	1	8890	3	E
	01073500	20060516070000	EDT	1	1	8850	3	E
	01073500	20060516071500	EDT	1	1	8810	3	E
	01073500	20060516073000	EDT	1	1	8790	3	E
	01073500	20060516074500	EDT	1	1	8770	3	E
	01073500	20060516080000	EDT	1	1	8750	3	E

2007 Flood	Lamprey Gage	Date/ Time	v in Cubic Ft/sec.					
	01073500	20070418010000	EDT	1	1	8430	3	E
	01073500	20070418011500	EDT	1	1	8440	3	E
	01073500	20070418013000	EDT	1	1	8450	3	E
	01073500	20070418014500	EDT	1	1	8450	3	E
	01073500	20070418020000	EDT	1	1	8450	3	
	01073500	20070418021500	EDT	1	1	8450	3	E
	01073500	20070418023000	EDT	1	1	8450	3	E
	01073500	20070418024500	EDT	1	1	8440	3	E
	01073500	20070418030000	EDT	1	1	8440	3	E
	01073500	20070418031500	EDT	1	1	8440	3	E
	01073500	20070418033000	EDT	1	1	8430	3	E

2010 Flood	Lamprey Gage	Date/ Time	Height	v in Cubic Ft/sec.	
	1073500	201003161530 EDT	14.81 ft	6780	

In order to minimize flooding impact to both Rivers we found at that time and implored NHDOT to widen culverts at Beaudette Brook and Hammel Brook and for Durham to do the same at Longmarsh Road, which is Durham's responsibility. This would allow water to begin flowing at an earlier time and avoid breaching of the bridge at Longmarsh Rd. All three had to be done minimize the future flood impact to both rivers and also provide more water to enter the Oyster River at lesser storm events. We think that perhaps it is time to get an Army Corp of Engineers to revisit the project in conjunction with the dam replacement/repair investigation and/or upgrading Longmarsh Rd Bridge.

Respectfully yours,



James H. Dreher



Coleen M. Fuerst

April Talon

From: Phyllis Heilbronner <h.heilbronner@comcast.net>
Sent: Wednesday, January 13, 2021 5:26 PM
To: April Talon
Subject: Re: FW: T.C. 12/11 meeting on M.P. Dam

Thanks April. I wrote in support of option 3 and mistyped 5, which would have been totally inconsistent with the tenor of my position. I feel embarrassed to have this obvious inconsistency or seemingly confused appearance circulating on social media and for the file on received emails. Is there a simple way for you just to cross it out or in some way change option 5 to option 3? It's a small matter and I know you have more important things to do, and it's a good lesson to me not to rush what I'm doing. My appeal was more in line with not making a decision last night that wasn't just about those of us "pond dwellers", but the many larger issues for the Durham community.

I just changed the number on the email I sent to Karen to be forwarded to the T.C., so I wonder if that will work and you can substitute this email for the incorrect one. What a to-do over a little mistake.

On 1/13/2021 10:01 AM, April Talon wrote:

Hi Phyllis – Shannon said that you called and would like to modify your letter – I believe it is the one here that I've copied below.

Dear Karen, I'm not sure at this late date if you are the one to receive this, but yours is the address in my book, so could you forward this before the T.C. meeting tomorrow night?

To the Town Council members re the meeting 11/2021 on the Mill Pond Dam:

I strongly urge the Town Council to take a long view perspective on the 2 options being considered for the dam. Please consider option 3 on rehabilitation. I know from past experience, for comparison purposes, that once something is done, it can't be undone. Wisdom prevailed at the time Durham purchased Wagon Hill Farm, although the cost was considered high. Once gone to developers, it never could have become the treasure the members of the Town Council perceived. The dog and parking problems can be fixed, but once it was in private hands, it would never be the town treasure it has become.

The situation with the Mill Pond and Oyster River is comparable in the worth of being saved as a town treasure. My property abuts the river, so I have a personal interest in seeing daily how much it and the estuary beyond the dam are used and enjoyed by families, students, bird watchers, recreationers, etc. Taking down the dam would forever change what is now and can still be in the future a wonderful resource and signature of what the town of Durham values and makes Durham and the university such a beautiful place to live and learn. With last summer's heat (nice to think about right now), it was a wonderful refuge for so many, and one hopes can be again this summer, with the virus under control. Having a safe and scenic place to walk continues, as I know from my own frequent walks down to the landing. Winter is lovely there, too.

Please don't take that away and hold back on any decision that keeps the option open to look at how the dam can be saved. Generations from now, in addition to those of us who now see its great community value, will be grateful for your wisdom.

Thank you for your consideration, Phyllis Heilbronner, 51 (and 53)
Mill Pond Rd.

April Talon, P.E.
Town Engineer – Durham, NH
Durham Public Works
100 Stone Quarry Drive
Durham NH 03824
Office: 603-868-5578
Cell: 603-343-3100
Email: atalon@ci.durham.nh.us

From: Todd Selig <tselig@ci.durham.nh.us>
Sent: Monday, January 11, 2021 8:33 AM
To: h. heilbronner <h.heilbronner@comcast.net>
Cc: April Talon <atalon@ci.durham.nh.us>; Richard Reine <rreine@ci.durham.nh.us>; Jim Rice <jrice@ci.durham.nh.us>; Karen Edwards <kedwards@ci.durham.nh.us>
Subject: Re: T.C. 12/11 meeting on M.P. Dam

Dear Mrs. Heilbronner,

Thank you very much for this email concerning the future of the Mill Pond Dam on the Oyster River. I know the Council will give it careful consideration as part of its decision making process.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Karen Edwards <kedwards@ci.durham.nh.us>
Date: Monday, January 11, 2021 at 8:12 AM
To: Todd Selig <tselig@ci.durham.nh.us>, Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cnwelsh@me.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Wayne Burton <wburton@northshore.edu>
Cc: Jennie Berry <jberry@ci.durham.nh.us>
Subject: FW: T.C. 12/11 meeting on M.P. Dam

Karen Edwards
Administrative Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-8064

-----Original Message-----

From: Phyllis Heilbronner [mailto:h.heilbronner@comcast.net]
Sent: Sunday, January 10, 2021 5:45 PM
To: Karen Edwards
Subject: T.C. 12/11 meeting on M.P. Dam

Dear Karen, I'm not sure at this late date if you are the one to receive this, but yours is the address in my book, so could you forward this before the T.C. meeting tomorrow night?

To the Town Council members re the meeting 11/2021 on the Mill Pond Dam:

I strongly urge the Town Council to take a long view perspective on the 2 options being considered for the dam. Please consider option 5 on rehabilitation. I know from past experience, for comparison purposes, that once something is done, it can't be undone. Wisdom prevailed at the time Durham purchased Wagon Hill Farm, although the cost was considered high. Once gone to developers, it never could have become the treasure the members of the Town Council perceived. The dog and parking problems can be fixed, but once it was in private hands, it would never be the town treasure it has become.

The situation with the Mill Pond and Oyster River is comparable in the worth of being saved as a town treasure. My property abuts the river, so I have a personal interest in seeing daily how much it and the estuary beyond the dam are used and enjoyed by families, students, bird watchers, recreationers, etc. Taking down the dam would forever change what is now and can still be in the future a wonderful resource and signature of what the town of Durham values and makes Durham and the university such a beautiful place to live and learn. With last summer's heat (nice to think about right now), it was a wonderful refuge for so many, and one hopes can be again this summer, with the virus under control. Having a safe and scenic place to walk continues, as I know from my own frequent walks down to the landing. Winter is lovely there, too.

Please don't take that away and hold back on any decision that keeps the option open to look at how the dam can be saved. Generations from now, in addition to those of us who now see its great community value, will be grateful for your wisdom.

Thank you for your consideration, Phyllis Heilbronner, 51 (and 53)
Mill Pond Rd.

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:56 PM
To: April Talon; Richard Reine
Subject: FW: Millpond Dam - Carol Bullivant

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:00 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Millpond Dam

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

-----Original Message-----

From: Carol M. Bullivant [mailto:cbulli@yahoo.com]

Sent: Monday, January 11, 2021 3:56 PM

To: Jen Berry

Subject: Millpond Dam

To whom it may concern:

I would like to support removal of the Millpond Dam for environmental reasons. I would also support some historical signage if this is deemed desirable and perhaps some assistance with plantings beyond what nature will provide to mitigate the initial "mudpond" look after the removal.

Thank you.

Carol M. Bullivant

61 Bucks Hill Rd.

Durham

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:50 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam comments for meeting - jason mckibben

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:08 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Pond Dam comments for meeting

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Jason McKibben [mailto:jason@jasonmckibben.com]

Sent: Saturday, January 09, 2021 8:23 PM

To: Jen Berry

Subject: Mill Pond Dam comments for meeting

To whom it may concern:

I am writing in support of removing the Mill Pond Dam on the Oyster River. As a resident who is raising a family in Durham, I have been impressed with the environmental and cultural stewardship shown by our local leaders, and I thank you for your time and effort.

When considering the historical impact of the Oyster River on Durham, I encourage you to include history in its entirety as opposed to the industrial history which occurred after the displacement of indigenous people. The river itself was damaged by the construction of the dam. Removal would bring the landscape closer to its natural state, improve water quality and promote the free movement of fish. Removal would also align with the town's prior acknowledgments of the impacts of colonialism on indigenous people, as when in 2017 the town council approved the creation of Indigenous People's Day to replace Columbus Day.

Financially, removal is the responsible thing to do without question, especially in light of the fact that grant money will be available to assist the town with removal, whereas the town would have to foot the entire bill for stabilization.

Lastly, I think the attachment some have to the dam is perhaps based on the visual appeal of the upstream pond. I would encourage anyone with that concern to stroll along the Exeter River near the site of the Great Dam removal – it's lovely. Choosing change over the status quo can often be hard, but it is how we move forward.

Sincerely,
Jason McKibben
Durham resident

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:48 PM
To: April Talon; Richard Reine
Subject: FW: Comment on Oyster River Dam at Mill Pond Feasibility Study - Doug Karo

Dear April and Rich,

For your general information. Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:11 PM
To: Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Comment on Oyster River Dam at Mill Pond Feasibility Study

Dear Councilors,

For your information.

Jennie--

Jennie Berry
Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

-----Original Message-----

From: Doug Karo [mailto:dkaro@comcast.net]

Sent: Friday, January 08, 2021 7:35 PM

To: Jen Berry

Subject: Comment on Oyster River Dam at Mill Pond Feasibility Study

Comment on Oyster River Dam at Mill Pond Feasibility Study for the
January 11, 2021 Public Hearing

I have tried to pay attention to the continuing efforts to try to understand the condition of the Mill Pond Dam and Mill Pond and then to find and to execute a process accepted by the community to determine what, if anything, should be done. I haven't found answers to the two groups of questions below, and if I have missed the answers I apologize but the growing volume of material about the Mill Pond Dam and Mill Pond seems overwhelming.

1. I do have two areas of questions and concerns about the Feasibility Study - NHDES Dam #071.03 (November 2020) prepared by our consultants.

A. The consultants report that they selected Alternatives to analyze based on "cost, constructability, and compliance with regulatory requirements" (p. ES-1). But Alternative 1 almost certainly would have lowest cost, no constructability issues, and would satisfy the same regulatory requirements as Alternative 3 (require a non-menace waiver) but they chose to analyze Alternative 3 that has significant cost and may have constructability issues. It would seem to me that Alternative 1 dominates Alternative 3 using the consultants' decision criteria. Could the consultants be a bit more forthcoming about their selection criteria so that we might know criteria they used and how they used the criteria and might know whether or not they felt they were responding to formal or informal selection guidance from the Town?

(In any case, I think we would be well advised to consider Alternative 1 in enough detail to confirm that it is possible and to identify various ways that Alternative 1 could proceed over the years and the likely impacts on the Mill Pond Dam and Mill Pond from those ways of proceeding. Without this information I think it will not be possible for the community to make an informed decision for the future of the Mill Pond Dam and Mill Pond.)

B. In the costing of Alternatives by the consultants, I found no provision for potential litigation expenses and possible damage awards because property owners might feel that a particular Alternative diminishes the value of their property or for gains from higher tax assessments should an Alternative increase the value of a property. Has the Town considered these issues and with what findings?

2. I do want our Town to be trustworthy and honorable in all its actions. I am concerned about possible implications of gifts made to the Town and accepted by the Town relating to the Mill Pond Dam and the

Mill Pond. Were there expectations, commitments, and promises connected with the gifts and their acceptance by the Town that might be violated should the Mill Pond Dam and Mill Pond be significantly changed? Is there a summary of gifts and their provisions that can be posted? Or is it the case that Town research establishes that no gifts made to the Town related to the Mill Pond Dam and Mill Pond are relevant to decisions about the future of the Mill Pond Dam and Mill Pond?

Thanks for your attention,

Doug Karo

95 Wiswall Road

Durham

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 3:41 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam public hearing written comments - Nick Shonka

Dear April and Rich,

For your general information: Additional public feedback regarding the Mill Pond Dam on the Oyster River for the public file.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Wednesday, January 13, 2021 at 3:18 PM
To: Council
Subject: FW: Mill Pond Dam public hearing written comments

Dear Councilors,

For your information.

Jennie--

Jennie Berry

Admin. Assistant
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-5571

From: Nicholas Shonka [<mailto:nicholas.shonka@gmail.com>]
Sent: Monday, January 04, 2021 11:24 AM
To: Jen Berry
Subject: Mill Pond Dam public hearing written comments

Hello,

I am writing to express my comments for the upcoming public hearing on the Mill Dam report.

I fully support removing the dam as it serves no ecological, economic, or historical purpose, investing in repairs instead of removal would be a large waste of taxpayer money and further negativity impact the Oyster River upstream of the dam and only be a bigger impedance for migrating fishes.

As an UNH alumni with background in water resource management and current Durham resident I have been following the progress of the Mill Pond study closely for years and would like to see the Town move forward and remove the dam to fully connect up the Oyster River watershed to the Great Bay estuary in its natural state with no dams.

Please pass this message in support of dam removal along to the other council members.

Thanks,
Nick Shonka

April Talon

From: Todd Selig
Sent: Wednesday, January 13, 2021 2:06 PM
To: April Talon; Richard Reine
Subject: FW: Save The Mill Pond Dam - an email from michael mullins

Dear April and Rich,

Please include with the other correspondence relative to the Mill Pond Dam on the Oyster River.

Todd

Todd I. Selig, Administrator
Town of Durham, NH
a: 8 Newmarket Rd., Durham, NH 03824 USA
t: 603.868.5571 | m: 603.817.0720 | w: www.ci.durham.nh.us
He/him/his pronouns

Do your part to help stop the spread of Covid-19: Wear a mask around others, avoid close physical contact, monitor your health, wash hands/disinfect!

From: Michael Mullins <mullinsmchase@hotmail.com>
Date: Wednesday, January 13, 2021 at 1:57 PM
To: Wayne Burton <wburton@northshore.edu>, Andrew Corrow <andrew_corrow@yahoo.com>, Allan Howland <thehowl@comcast.net>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <SallyNeedell@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Dinny Waters <dinnywaters@gmail.com>, Carden Welsh <cardentc2@gmail.com>
Cc: Todd Selig <tselig@ci.durham.nh.us>, April Talon <atalon@ci.durham.nh.us>
Subject: Save The Mill Pond Dam

As a long-time resident of the town of Durham (my family moved here in the 1960s and I grew up in Durham), I care about the town – history, traditions, and community.

I have read a good number of the letters, pro and con, from the community about the issue of the dam removal. (Thank you for *finally* posting them.) After due consideration, I strongly believe, along with many, many residents, that the dam must be saved.

Considering the interest of Durham citizens on this issue, should this issue be pursued, the dam's fate should be decided by a full town referendum. In the interests of transparency and to fully understand the will of the citizenry, I request your support that the dam's fate be decided by a full democratically determined vote by Durham citizens. Before that happens, a good deal more research needs to be done beyond what we have so far from VHB, and town citizens should continue free and open discourse on this issue.

There are many reasons to keep the dam, eloquently expressed by many of the letters and emails that have been sent to the town. Let me add my voice to their concerns with the following points:

- the Mill Pond Dam is a much-loved recreation place for all townspeople in all seasons; it has served the town in that capacity for generations;
- it is a beautiful view on a gateway into Durham passed by thousands of cars daily on Route 108 from Newmarket;
- the dam is a Durham icon, one of the first images on the web when one searches "Durham NH";
- residents donated and the town accepted donations of land and money to enhance public enjoyment of Mill Pond (several million dollars-worth); this land/money was donated in good faith and the town should act in good faith by honoring the reasons for and spirit of these donations;
- the Mill Pond ecosystem is established and natural after 370 years; dam removal will kill the plants, marine life and deleteriously affect the flora and fauna in this area;
- the 1913 dam is historic, it is listed on the NH Register of Historic Places;
- the 1913 dam is eligible for the National Register of Historic Places in ten categories, which is rare and underscores the historic value of the dam;
- VHB, the town's consultant, unfortunately misrepresented the current Mill Pond ecosystem and future outcomes, claiming dam removal would be a "restoration of the natural river." This is incorrect and does not take into account the other dam on the river. For whatever reason, VHB did not analyze or mention the impact of the UNH dam and reservoir. Most residents do not know that dam blocks the river upstream, radically affecting the health of the Mill Pond;
- removing the dam may well result in a swamp, not a free-flowing natural river.

In sum, I believe this historic community landmark in the very heart of Durham must be protected. If the Town Council decides to pursue this issue, please ensure there is a full referendum available to Durham citizens to vote.

Sincerely, Michael Mullins

April Talon

From: Michael Behrendt
Sent: Wednesday, January 13, 2021 5:20 PM
To: Todd Selig; April Talon; Richard Reine; Jim Rice; Rachel Gasowski; Walker, Peter (PWalker@VHB.com); Stuart, Quinn (qstuart@VHB.com)
Subject: Mill Pond questions *

All,

Please see the questions from Susanna Nichols below. Susanna owns 10 Newmarket Road, the beautiful white house now being restored at the corner of Newmarket Road and Mill Pond Road. Thanks.

Michael Behrendt

Durham Town Planner
Town of Durham
8 Newmarket Road
Durham, NH 03824
(603) 868-8064
www.ci.durham.nh.us

From: Nichols [mailto:susannanichols@optonline.net]
Sent: Wednesday, January 13, 2021 6:55 AM
To: Michael Behrendt
Subject: Mill Pond

Hi Michael,

Well there certainly is a lot of discussion going on about the Mill Pond! Personally, I am in favor of keeping the dam but that is not why I am reaching out.

My question to you is about the pond area in the event the dam is removed. Perhaps you can help educate me. Do you know who would be responsible for it? How would property lines be decided? Who would have the authority/responsibility for any design of recreational or park space? Also, and very importantly, who would be accountable to the residents for addressing such issues as invasive plants and insects?

It seems to me the town should be actively considering and discussing these questions! Unfortunately I just do not know enough about town governance to know who to ask. So I thought I would start with you.

Many thanks in advance for your help,

Susanna

(203) 969-4290