

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, January 25, 2021 4:34 PM  
**Cc:** April Talon; Richard Reine  
**Subject:** FW: Please remove the Mill Pond Dam - Mary Malone  
**Attachments:** Malone letter regarding Oyster River Dam at Mill Pond.pdf

Dear Mary,

Thank you very much for this thoughtful feedback relative to the future of the Mill Pond Dam on the Oyster River. I know the members of the Council will give it careful consideration along with the many other letters and emails received.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Mary Malone <Mary.Malone@unh.edu>  
**Date:** Monday, January 25, 2021 at 4:24 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Please remove the Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Dear Members of the Durham Town Council,

I hope that the first month of the new year is treating you well. Attached please find my letter in support of removing the Mill Pond Dam and restoring the Oyster River watershed.

Thank you for your time!

Best,  
Mary Malone

**Mary Malone  
148 Packers Falls Road  
Durham, NH 03284  
(603)659-0566**

January 15, 2021

Dear Durham Town Council Members:

I write regarding the Oyster River Dam at Mill Pond. Thank you very much for completing the Feasibility Study in November of last year, and for making this study widely accessible to Durham residents. I appreciated the opportunity to educate myself on the financial, historic, and environmental costs associated with removing v. maintaining the dam.

I think that the Feasibility Study leads to one logical conclusion: the dam needs to be removed. While I understand and appreciate the wide range of viewpoints on the dam, I think that the Feasibility Study clearly articulates the financial and environmental costs of keeping the status quo. The town cannot justify the high costs to repair the dam, particularly given the current financial uncertainties of the ongoing pandemic and its associated toll on local businesses and tax revenues. Furthermore, it is clear that the removal of the dam would usher in a series of environmental benefits. Thus, dam removal is not only financially responsible, but demonstrates a commitment to the sustainability of our environment.

I do appreciate that several Durham residents are concerned about the historical role the dam has played. However, restoration of the Oyster River watershed would honor earlier points in history, when the dam did not impede the flow of the river. One cannot arbitrarily decide which historical moments are worth preserving and which are not, and there are many important historical moments in our town prior to the construction of the dam. By restoring the Oyster River watershed, we would be able to return the river to its even earlier historical roots, and honor both indigenous and settler history.

Please let me close by thanking you for your service. I understand that the issue of dam removal has led to passionate debates for many years now, and I thank you for taking the time to listen to all viewpoints and work productively with members of our community for a solution that will best serve our town as a whole.

Sincerely,



Mary Malone

PS: Please remove the Mill Pond Dam!

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 1, 2021 9:00 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Remove Mill Pond Dam - Amy Goldberg

Dear April and Rich,

Please include with the public file 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "kittyfmarple@gmail.com" <kittyfmarple@gmail.com>  
**Date:** Sunday, January 31, 2021 at 9:56 AM  
**To:** Amy Goldberg <akgoldberg@mac.com>  
**Cc:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Re: Remove Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Thank you for your note Amy.

Kitty Marple

On Jan 31, 2021, at 9:45 AM, Amy Goldberg <[akgoldberg@mac.com](mailto:akgoldberg@mac.com)> wrote:

I am a resident of Durham and I am in support of removing the Mill Pond Dam.

This statement sums it up entirely, "It is a rare alignment when the road to restoration and conservation is also the economically prudent choice."

And also "The time is always right to do what is right." -MLKJr

Amy Kay Goldberg

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 1, 2021 9:02 AM  
**To:** Michael J Merenda, Jr; April Talon  
**Cc:** Jen Berry; Durham Town Council; Richard Reine  
**Subject:** Re: Mill Pond Dam Removal - Michael Merenda

Dear Michael,

Thank you very much for this feedback relative to the Mill Pond Dam on the Oyster River. It is appreciated.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Michael J Merenda, Jr" <mikeandruthy@gmail.com>  
**Date:** Saturday, January 30, 2021 at 4:28 PM  
**To:** April Talon <atalon@ci.durham.nh.us>  
**Cc:** Jennie Berry <jberry@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>, Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Mill Pond Dam Removal

Dear Durham Town Council Members,

I would like to voice my family's strong support for removal of the Oyster River Mill Pond dam.

Having grown up in Durham I spent countless enjoyable hours down by the landing. Nothing would make me happier than to see this nostalgic site returned to an ecologically sound habitat which supports the larger community of life.

While the ecological benefit is paramount to our family, my mother and father, as current Durham residents and tax payers, are also motivated by the considerably lower price tag of dam removal versus restoration.

Thank you for taking our thoughts into consideration.

With Gratitude,

Mike Merenda, Jr.  
845 594 8829



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 1, 2021 12:23 PM  
**To:** Simpson, Judith W  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Mill Pond Dam - Judith Simpson

Dear Judith,

Thank you very much for your feedback regarding 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  
**t:** 603.868.5571 | **m:** 603.817.0720 | **w:** [www.ci.durham.nh.us](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Simpson, Judith W" <[simpsojw@bu.edu](mailto:simpsojw@bu.edu)>  
**Date:** Monday, February 1, 2021 at 12:15 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Cc:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Subject:** Mill Pond Dam

In this era of canceling culture, erasing history and flattening the Globe, it is easy to see how prominent landmarks, tributes to peoples whose lives mattered when, and pieces of the Town that define it's character are easily dismissible. After all, who needs a dam? It isn't harnessing power, storing water for consumable supply, preventing a flood or doing much of anything other than enhancing the charm and beauty of our Town. And, perhaps remind us of the past and how it always impacts the future and the "now" we enjoy.

We miss the swans (a remembrance of the time I spent at UNH in the 70's) and whose presence graced the Mill Pond when my husband and I decided to make Durham our retirement community. The condition of pond is ecologically uninhabitable and will become a building site should the dam be eliminated. And, what about the feeders, streams, springs etc. that created the pond? Where does that water go and how is the river impacted beyond the dam? What about the Town's conservation philosophy's

Money has been approved for less significant reasons. Time to stop and think about the consequences of getting rid of Mill Pond and the dam.

Judith Simpson, Ph.D.  
20 Britton Ln.

Sent from my iPad

## April Talon

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**From:** Todd Selig  
**Sent:** Tuesday, February 2, 2021 2:34 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Oyster River Dam Removal - letter from Justin Hardesty, NH Chapter, Native Fish Coalition  
**Attachments:** NH letter - Oyster River dam removal.pdf

Dear April and Rich,

Please include in the public binder 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Justin Hardesty <[justinvaughnhardesty@gmail.com](mailto:justinvaughnhardesty@gmail.com)>  
**Date:** Tuesday, February 2, 2021 at 12:37 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Cc:** Bob Mallard <[bobmallard58@gmail.com](mailto:bobmallard58@gmail.com)>, Emily Bastian <[emily.brooktrout@gmail.com](mailto:emily.brooktrout@gmail.com)>, Nathan Hill <[nate@whitemountainflyfishing.com](mailto:nate@whitemountainflyfishing.com)>, Kevin Gordon <[freestoneguideservice@gmail.com](mailto:freestoneguideservice@gmail.com)>, Jon Zukowski <[mountainhighfly@gmail.com](mailto:mountainhighfly@gmail.com)>, j kane <[troutgd@yahoo.com](mailto:troutgd@yahoo.com)>, "Andrew R. Forauer" <[Andrew.R.Forauer@hitchcock.org](mailto:Andrew.R.Forauer@hitchcock.org)>, Ben Brunt <[ben@rippledwaters.com](mailto:ben@rippledwaters.com)>, keith thibault <[ktbone3@yahoo.com](mailto:ktbone3@yahoo.com)>, Jeremy O'Donnell <[jeremyodonnell85@yahoo.com](mailto:jeremyodonnell85@yahoo.com)>, Rick Van de Poll <[rickvdp@gmail.com](mailto:rickvdp@gmail.com)>, Nels Liljedahl <[liljedahlnels@gmail.com](mailto:liljedahlnels@gmail.com)>, "info@nativefishcoalition.org" <[info@nativefishcoalition.org](mailto:info@nativefishcoalition.org)>, "Michael D. Day" <[mdd@fly-by-day.com](mailto:mdd@fly-by-day.com)>, Robert Dalton <[bobdaltonnfcma@gmail.com](mailto:bobdaltonnfcma@gmail.com)>, Matthew Lewis <[mrl0004@gmail.com](mailto:mrl0004@gmail.com)>, Tom Johnson <[tjohnsononfly@yahoo.com](mailto:tjohnsononfly@yahoo.com)>, philip light <[phildlight@gmail.com](mailto:phildlight@gmail.com)>, Chris Owen <[chrisowenvt@yahoo.com](mailto:chrisowenvt@yahoo.com)>  
**Subject:** Oyster River Dam Removal  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Dear Members of the Council,

On behalf of the New Hampshire chapter of Native Fish Coalition, please review the attached PDF with regard to the removal of the Oyster River Dam.

Thank you,

Justin Hardesty

Chair, Native Fish Coalition, [New Hampshire Chapter](#)







8 Newmarket Rd,  
Durham, NH 03824

February 02, 2021

Durham Town Council,

I am writing on behalf of the New Hampshire chapter of Native Fish Coalition (NFC) in support of the removal of the Oyster River Dam at Mill Pond in New Hampshire.

NFC is a 501c3 non-profit conservation organization dedicated to protecting, preserving and restoring wild native fish.

Native Fish Coalition strongly supports the removal of the Oyster River Dam at Mill Pond. Removal would benefit anadromous fish species by eliminating the barrier to upstream fish passage and would also address the declining water quality in Mill Pond and the upstream impoundment. This would help support the restoration of the Oyster River by bringing the river to its more natural state.

There is no viable rationale for keeping this dam as it does not produce hydroelectric power nor does it provide agriculture irrigation. It is, however, drastically impacting multiple species of wildlife including the federally endangered American eel, Atlantic salmon, shad, and river herring by preventing them from reaching their historic spawning habitat upstream.

The removal of dams such as the Oyster River Dam is increasingly recognized as a critical and responsible action demonstrated by the United States, which is now removing approximately 100 significant dams annually. The nearby Exeter River dam, removed in 2016, has seen alewife numbers increase significantly since removal. Many fishery related agencies also unanimously support dam removals as well.

Thank you for the opportunity to comment on this proposal.

Sincerely,

Justin Hardesty  
New Hampshire State Chair, Native Fish Coalition

CC: NFC New Hampshire Board  
NFC New Hampshire Advisory Council  
NFC National Board

## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 3, 2021 10:20 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond and Dam - Charlotte Rose Hitchcock  
**Attachments:** 2021-0203 CH Letter to Town re Mill Pond Dam.pdf

Dear April and Rich,

Please include this letter with the public correspondence received regarding 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Charlotte Rose Hitchcock <[charlotte.rose.hitchcock@gmail.com](mailto:charlotte.rose.hitchcock@gmail.com)>  
**Date:** Tuesday, February 2, 2021 at 10:55 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Mill Pond and Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

To the members of Town Council,  
Attached please find my letter in support of keeping and repairing the Mill Pond Dam.  
Thank you,  
Charlotte Hitchcock

--

Charlotte R Hitchcock  
14 Stone Quarry Drive Apt 104, Durham NH 03824  
landline: 603.590.9164  
[charlotte.rose.hitchcock@gmail.com](mailto:charlotte.rose.hitchcock@gmail.com)

Re: Future of Mill Pond & Dam

2/3/2021

To: Members of the Durham Town Council

I am writing to express my very strong preference for preserving the Mill Pond Dam and the pond upstream of the dam.

I moved to Durham in November 2019 as a new resident at RiverWoods. I thought about this decision for years before moving. I made a point of touring the historic district, nearby landscapes, and open space preserves. The Mill Pond Dam and the Old Landing, as the centerpiece of the historic district, are indeed the iconic visual symbols of Durham, and were a critical reason why I chose to move to Durham from New Haven, CT.

### **Economic value of historic landscape**

I mention this to point out the economic value of a picturesque historic landscape feature. I myself moved here rather than to Hanover, Manchester, Nashua, or another state, because Durham appeared to be a town that values both history and the natural environment – both are extremely important to me.

But human history and nature are not incompatible opposites. Our open spaces that we may think of as “natural” are deeply imprinted with the human history of the last several hundred years. Our woods are full of old stone walls, cellar holes, and burial grounds. The Durham Falls or Oyster River Falls (the names in the 1600s and 1700s), were in place since the retreat of the last glaciation, which left behind the estuary and the falls at the head of tide. Dams and mills were located here because of the naturally-occurring impoundment behind a bedrock outcropping that formed the falls. Removing the dam and losing the impoundment would actually result in a more artificial condition than retaining it.

I hope for the gateway to Durham to remain picturesque and evocative in the future. Dam removal would cut the heart out of the historic district that extends in all directions around the dam and pond. And it would erase the last evidence of the industrial history embodied in the structural design of the dam. We should pursue ways to preserve the dam and pond so as to also protect the natural landforms that date back 10,000 years to the end of the glacial period.

### **Environmental aspects**

Thinking about the scenario of dam removal: the invasive species that flourish in this area quickly occupy every untended square meter of open space. Thus I agree with those who critique the idea of a benevolent marshland replacing the pond. I appreciate the opportunities to enjoy all sides of the Mill Pond impoundment, along the Oyster River and Hamel Brook, and just recently on the ice. And I've been learning about the efforts and expense needed to control the invasive plant species at Doe Farm, Thompson Forest, and also at RiverWoods.

Another aspect of looking at the bigger picture: the 20-foot high UNH Reservoir Dam, just over a mile upstream from the Mill Pond, is a more severe barrier to fish than the Mill Pond Dam. The 2014 analysis of water quality and 2018 studies of remedies, determined that nitrogen and phosphorus contributed from the adjoining lands, along with storm water runoff from impervious surfaces, were major reasons for poor water quality and that the Oyster River was generally providing sufficient flushing of water through the pond. It seems that along with preserving the dam, work to maintain the fish ladder (plus adding one at the reservoir), and to address the sources of nitrogen and phosphorus may contribute to restoring water quality and fish habitat.

**Recreational resource – the only public pond in Durham:**

The pond is a public resource for recreation. It is notable that in the town of Durham, this appears to be the only body of fresh water that is accessible to the public and can be enjoyed for boating, fishing, and skating. As a new resident, I find it surprising that we would destroy the only pond in our town where children can learn to paddle in summer and ice skate in winter.

In conclusion, I favor retaining and repairing the dam and fish ladder, to protect the dam and pond which embody the heritage of Durham history and which form an irreplaceable recreational resource. We need to explore further how the upstream reservoir dam and surrounding watershed land have contributed to the water quality and wildlife issues, and how they can be improved with less or no dredging.

Charlotte Hitchcock

14 Stone Quarry Drive, Apt. 104  
Durham NH 03824  
(603) 590-9164

## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 3, 2021 11:30 AM  
**To:** April Talon; Richard Reine  
**Subject:** FW: NOAA Letter to Durham Town Council RE: Mill Pond Dam  
**Attachments:** NOAA Letterhead Durham Comments Signed.doc

Dear April and Rich,

Please include this correspondence with the public file regarding 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Eric Hutchins - NOAA Federal <[eric.hutchins@noaa.gov](mailto:eric.hutchins@noaa.gov)>  
**Date:** Wednesday, February 3, 2021 at 11:11 AM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Cc:** Cheri Patterson <[Cheri.Patterson@wildlife.nh.gov](mailto:Cheri.Patterson@wildlife.nh.gov)>  
**Subject:** NOAA Letter to Durham Town Council RE: Mill Pond Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Dear Durham Town Council,

I attended your most recent public hearing about the future disposition of the Mill Pond Dam and thought it would be appropriate to draft and provide a brief letter for your current for future considerations on this important matter. See attached.

--

Eric Hutchins  
Fisheries Biologist  
NOAA Restoration Center  
55 Great Republic Drive  
Gloucester, MA 01930  
P: 978-281-9313





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
NOAA Restoration Center  
55 Great Republic Drive  
Gloucester, MA 01930-2276

February 3, 2021

Katherine Marple, Chairman  
Durham Town Council  
8 Newmarket Road  
Durham, NH 03824

**Re: Mill Pond Dam Removal Feasibility Study**

Dear Ms. Marple:

As you are aware the NOAA Restoration Center provided funding for the 2010 preliminary feasibility study which evaluated options to remove the Mill Pond Dam on the Oyster River. Since that time I have been periodically following the additional efforts and discussions by the Town of Durham to determine how they will proceed with addressing outstanding issues and opportunities with this dam. I have reviewed the most recent engineering work completed by VHB on behalf of the town and listened in on the public hearing which took place in January 11th, 2021.

The interests by NOAA are to protect and restore aquatic resources in the Oyster River including but not limited to river herring, rainbow smelt and tidal wetlands. From our perspective, the option to remove the dam would be most beneficial to aquatic marine resources and we encourage the Town to strongly consider this option. We do understand that there are a wide variety of economic, aesthetic, and other issues that need to be balanced at the local level, but we feel that removal of the dam is a viable option.

There are an increasing number of federal grants sources than can support coastal resiliency, aquatic restoration and addressing aging infrastructure. If the town choses to proceed with the alternative to remove the Mill Pond dam there are potentially technical and financial services that NOAA could provide to assist further with this project.

Please feel free to contact me at 978-281-9313 if you have any questions about this letter or NOAA's interests in the project.

Sincerely,

 Recoverable Signature

**X** Eric Hutchins

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Eric Hutchins  
Aquatic Restoration Specialist  
Signed by: HUTCHINS.ERIC.W.1365815778

Eric W. Hutchins

Cc: Cheri Patterson, NH Fish and Game

## April Talon

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**From:** Todd Selig  
**Sent:** Thursday, February 4, 2021 3:00 PM  
**To:** Todd Calitri  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Letter of support fr Mill Pond Dam removal - Todd Calitri

Dear Todd,

Thank you very much for your email regarding the Mill Pond Dam on the Oyster River. I know members of the Council will review it in the days ahead.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Todd Calitri <toddcalitri@gmail.com>  
**Date:** Thursday, February 4, 2021 at 1:39 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Letter of support fr Mill Pond Dam removal  
**Resent-From:** <council@ci.durham.nh.us>

To whom it may concern,

I would like to voice my support for the removal of the Mill Pond dam in Durham. My understanding is the dam is in disrepair and now is the perfect time to return an amazing part of the New Hampshire landscape back to its original state.

The dam is no longer serving its purpose but it is blocking many native fish from spawning and their natural migration.

The cost to repair is estimated at nearly 5x the cost of removal.

Thank you for your time and consideration.

Regards,

Todd Calitri



## April Talon

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**From:** Todd Selig  
**Sent:** Friday, February 5, 2021 10:03 AM  
**Cc:** April Talon; Richard Reine  
**Subject:** FW: River Herring and Mill Pond - information from Town Councilor Sally Needell  
**Attachments:** River Herring and Mill Pond.pdf

Dear April and Rich,

Please include this information along with the other correspondence received regarding the head of tide 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](http://www.ci.durham.nh.us)  
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**From:** Sally Needell <[sneedelltc@gmail.com](mailto:sneedelltc@gmail.com)>  
**Date:** Friday, February 5, 2021 at 9:11 AM  
**To:** Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Subject:** River Herring and Mill Pond

Todd,

I have attached a presentation on the importance of protecting River Herring in the Oyster River.

Thank you for posting this information.

Sincerely,  
Sally

# River Herring and Mill Pond

Information shared is sourced from multiple publications. The information from these resources supports those of the Oyster River Dam Feasibility Study.

The comments on slides 2, 25, 28, and 29 are my own. -Sally Needell

**River Herring and the Mill Pond share in multiple systems. The functioning of the systems determines the survival of the River Herring in the Mill Pond.**

### **Highlighted Systems**

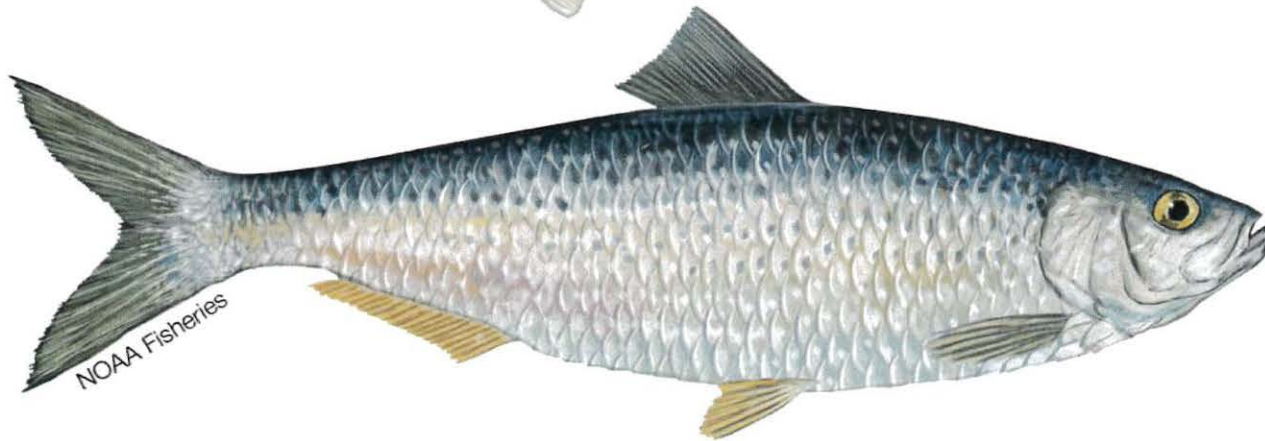
- The Oyster River and the Mill Pond are components of a watershed that extends from Barrington, NH to the Atlantic Ocean.
- River Herring, the two primary fish species of the Oyster River and Mill Pond are a vital link in multiple food chains that make up food webs from the Oyster River to the open Atlantic Ocean.
- River Herring share a food web spanning from zooplankton, small crustaceans, and insect larvae to larger fish species, to seabirds, osprey, and great blue herons, to small mammals such as fox, racoons, and skunks.
- River Herring spend parts of their lives in freshwater and depend on the health of the Mill Pond for their survival. The activities that take place upstream contribute to the health of the pond. The dam controls the water quality of the waterway upon which River Herring depend for spawning and the first months of the lives of the River Herring juveniles.
- River Herring are the food of the larger fish that our fisheries industry depend upon, and are used as bait in lobster traps.



Alewife

Alewives and Blueback Herring are referred to as River Herring.

These are the two major fish species of the Mill Pond.



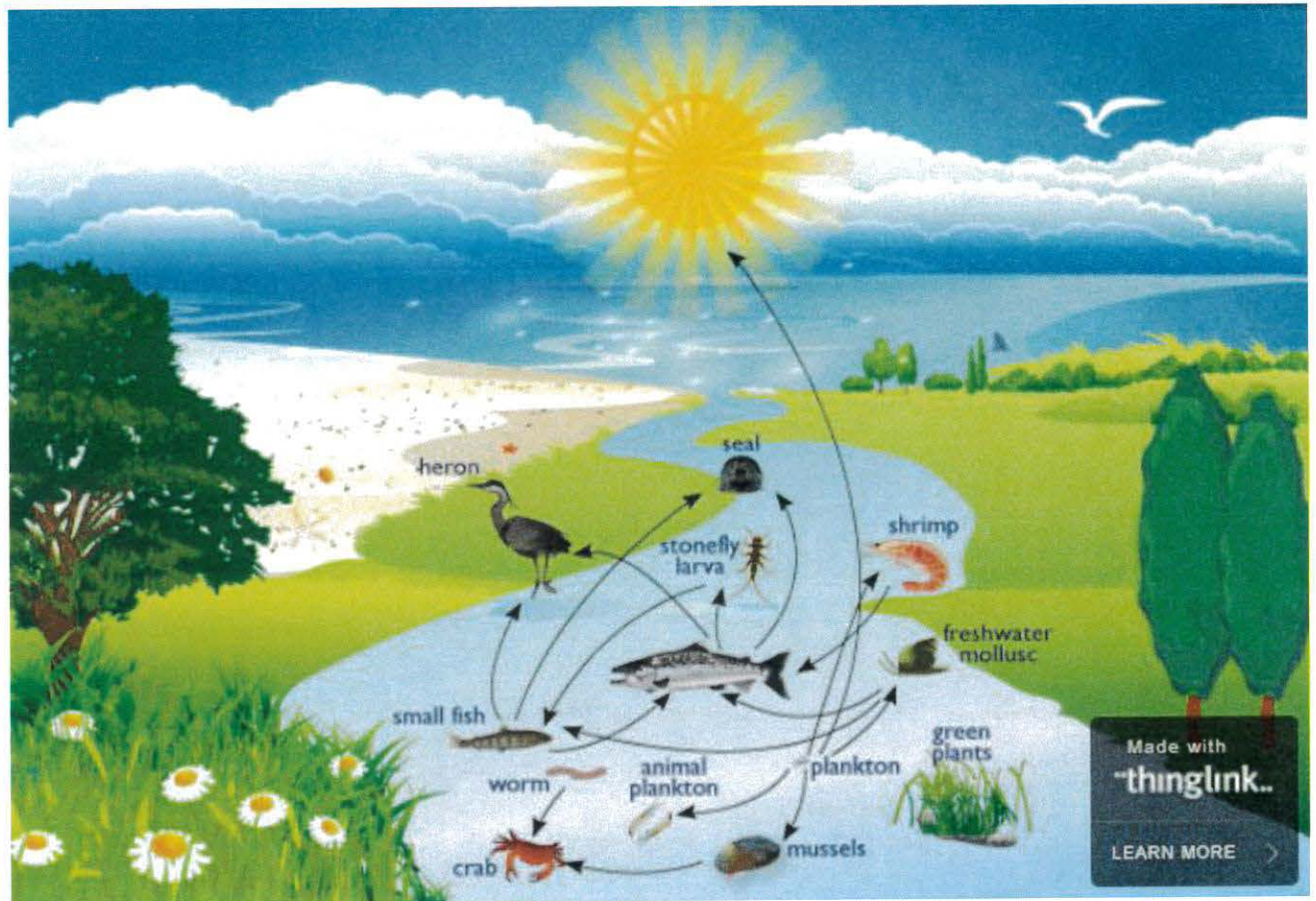
Blueback Herring

<https://www.fisheries.noaa.gov/species/river-herring#overview>

# Food Webs

Alewives are an integral part of marine and freshwater food chains. Both adult and juvenile alewives are small and are therefore eaten by many other species of native, introduced, commercially and recreationally important fish.

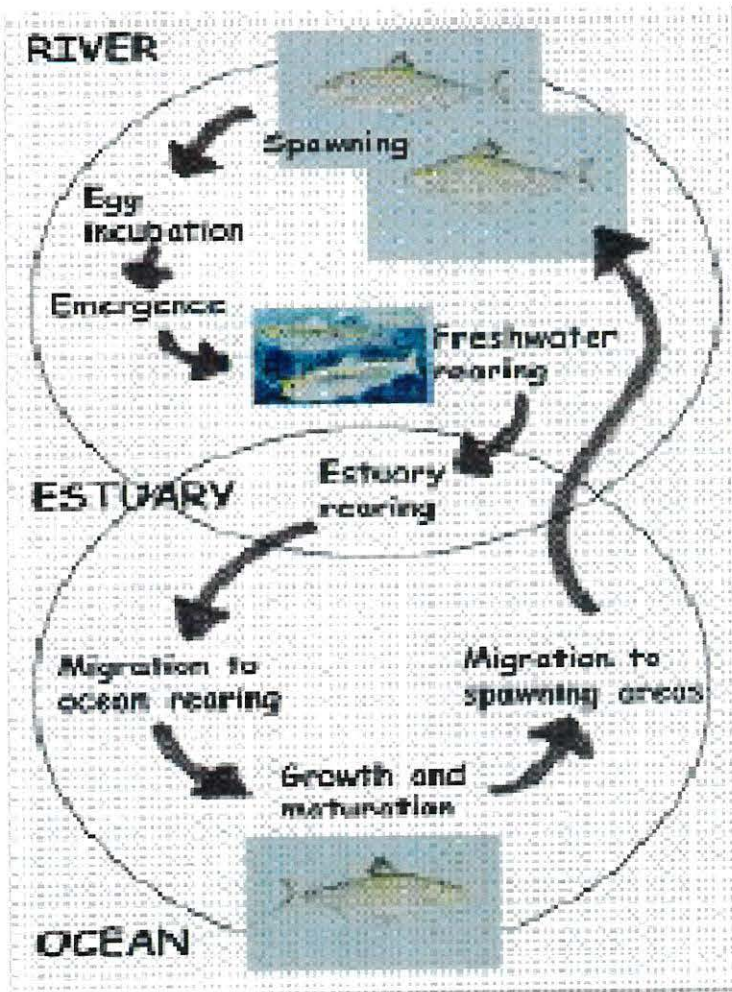
<https://www.fws.gov/gomcp/pdfs/alewife%20fact%20sheet.pdf>



## River Herring Basics

“River herring [Alewife and Blueback Herring] are migratory fish that range along the East Coast from Florida to Maine. They spend most of their life cycle in the marine environment, returning after four to five years to their natal rivers to spawn. Juvenile river herring typically migrate back to the marine environment in the fall. Once out of the river, they may use the estuary for extended periods before migrating in the open ocean.”

<https://www.fisheries.noaa.gov/species/river-herring#overview>



## Alewife Life Cycle

This presentation focuses on the Alewife population.

<https://www.fws.gov/gomcp/pdfs/alewife%20fact%20sheet.pdf>

“Females spawn in the spring and can lay up to 300,000 eggs. The eggs hatch in a few days and the juvenile herring occupy freshwater habitats [such as the Mill Pond] for a few months before emigrating to the sea.”

“The alewife matures in the ocean and returns to spawn in natal streams at an age of 3-4 years and size of about 12 inches.”

<https://www.mass.gov/service-details/learn-about-alewife#:~:text=Alewives%20are%20a%20diadromous%20species.before%20emigrating%20to%20the%20sea.>

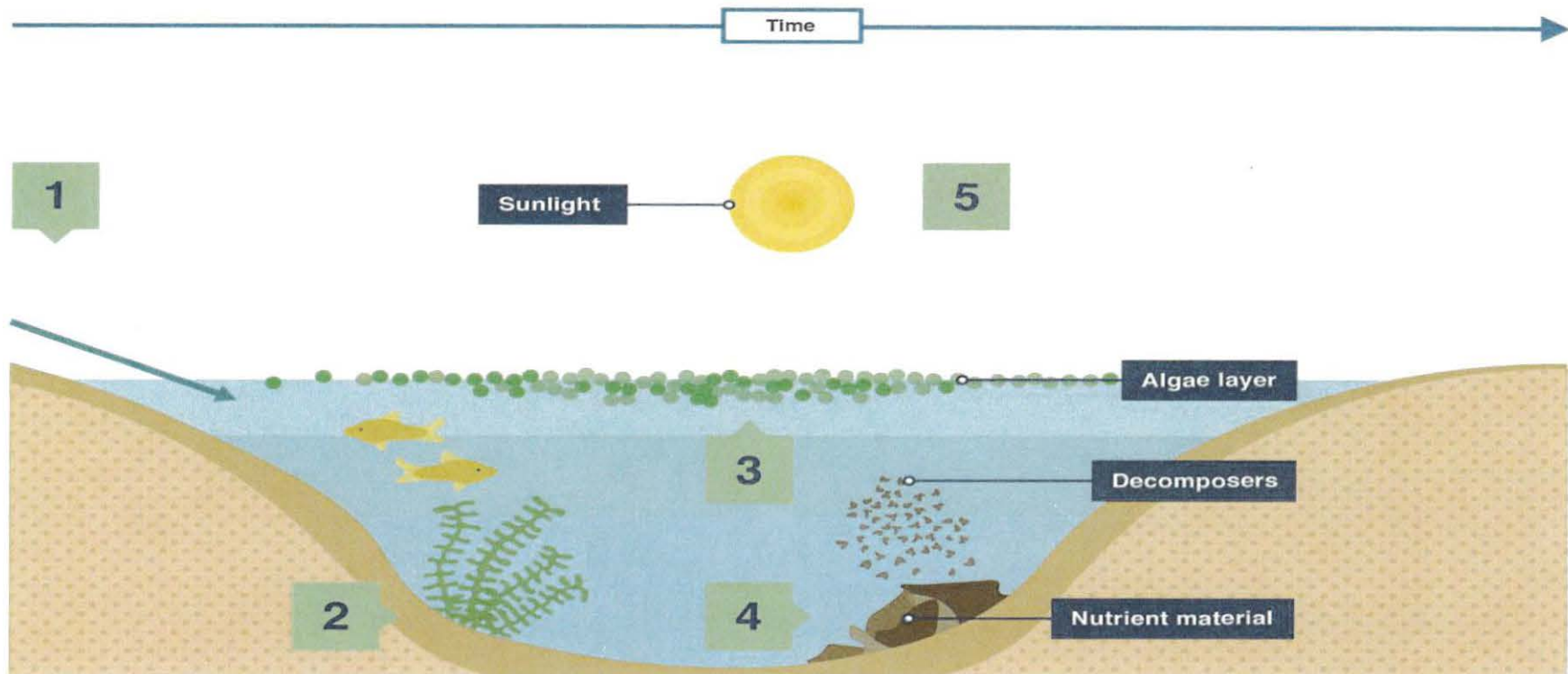


## **Alewives are important to the ecology of freshwater, estuarine, and marine environments.**

**“It is important to understand that alewives tie our ocean, rivers and lakes together, providing vital nutrients and forage needed to make healthy watersheds. Between and within those various habitats, **everything eats alewives:** striped bass, bluefish, tuna, cod, haddock, halibut, American eel, brook trout, rainbow trout, brown trout, lake trout, landlocked salmon, smallmouth bass, largemouth bass, pickerel, pike, white and yellow perch, seabirds, bald eagle, osprey, great blue heron, gulls, terns, cormorants, seals, whales, otter, mink, **fox, raccoon, skunk, weasel, fisher, and turtles.**”**

<https://www.maine.gov/dmr/science-research/searun/alewife.html>

Mill Pond  
and  
Water Quality Concerns



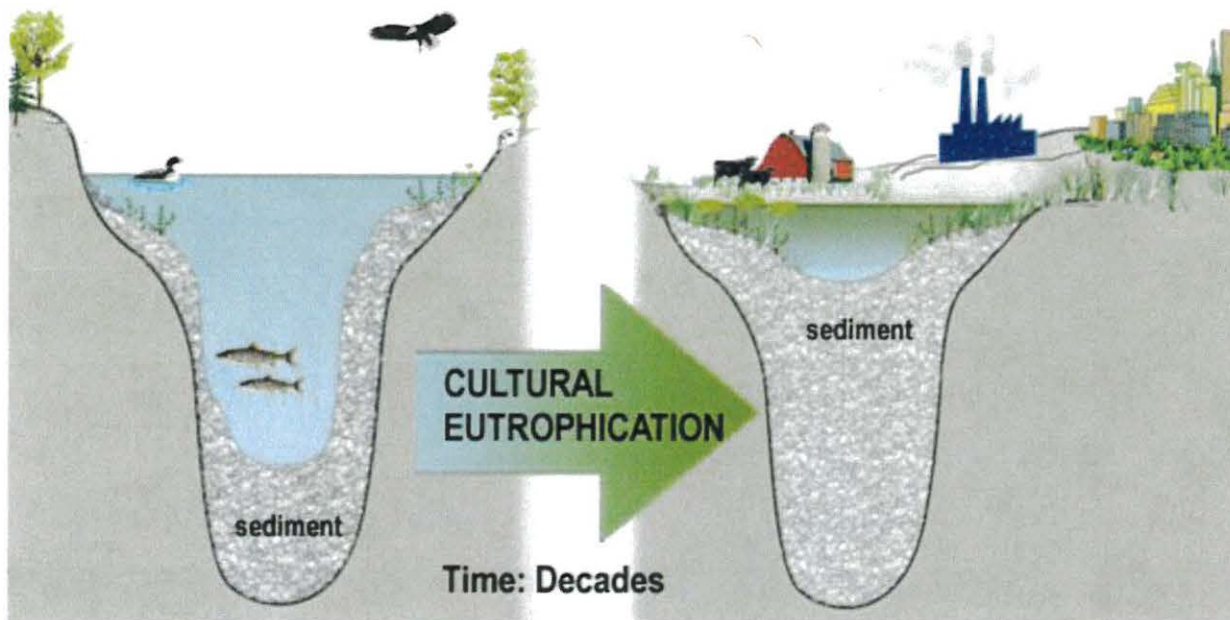
<http://igcse-biology-2017.blogspot.com/2017/06/417-understand-biological-consequences.html>

(International Certificate of Secondary Education.)

## Steps 1-6 to the Life and Death of a Pond

1. Excessive nutrients from stormwater runoff that is washed into rivers.
2. Excessive nutrients allow rapid plant growth such as algae, duckweed and other plants. As a result, nutrients will encourage rapid plant growth, causing **algae blooms** to form on the surface.
3. As the formation of **algae bloom** on the water surface blocks sunlight, this prevents plants from absorbing sunlight via photosynthesis, resulting in the death of aquatic plants.
4. With less photosynthesis occurring, **oxygen levels in rivers and lakes will deplete.**
5. Additionally, decomposers will break down dead plants via aerobic respiration, **depleting oxygen reserves** in water.
6. Consequently, this will **stress the survival of marine organisms, potentially leading to a reduction in biodiversity within the ecosystem.**

<http://igcse-biology-2017.blogspot.com/2017/06/417-understand-biological-consequences.html>



“Humans can speed up the process of eutrophication by adding excess nutrients and sediment quickly, where the lake will change trophic states in a matter of decades. This type of eutrophication is called cultural eutrophication because humans cause it.” <https://www.rmbel.info/primer/lake-eutrophication/>

As sedimentation takes place, the sediments fill the basin and the pond water becomes shallower. The decreasing depth over time means more water is exposed to warm temperatures, that warm the water, which in turn holds less oxygen.

**“Eutrophication** is a natural process that results from accumulation of nutrients in lakes or other bodies of water. Algae that feed on nutrients grow into unsightly scum on the water surface, decreasing recreational value and clogging water-intake pipes. Decaying mats of dead algae can produce **foul tastes and odors in the water**; their decay by bacteria consumes **dissolved oxygen** from the water, sometimes causing fish kills.”

“Too much nitrogen and phosphorus in water can lead to an overgrowth of free-floating plants such as duckweed and filamentous algae, resulting in dense **layers of scum** on the surface of the water. **This can damage aquatic plants, fish, and other lake organisms by depriving them of the oxygen and sunlight they need to survive.** “

[https://www.usgs.gov/mission-areas/water-resources/science/nutrients-and-eutrophication?qt-science\\_center\\_objects=0#qt-science\\_center\\_objects](https://www.usgs.gov/mission-areas/water-resources/science/nutrients-and-eutrophication?qt-science_center_objects=0#qt-science_center_objects)

**“Excessive algae and aquatic plant growth are concerns both upstream and downstream of the dam and are believed to be linked to an abundance of nutrient inputs. In freshwater bodies, like Mill Pond, phosphorus is typically the limiting nutrient where increased availability often leads to excessive growth (also known as **eutrophic conditions**). “**

Oyster River Mill Pond Feasibility Study p. 70.



Eutrophication takes place in the waters of a dying freshwater pond.

“**Bacteria in water** can consume oxygen as organic matter decays. Thus, excess organic material in lakes and rivers can cause eutrophic conditions that can cause a water body to "die."

Aquatic life can have a hard time in stagnant water that has a lot of rotting, organic material in it, especially in summer (**the concentration of dissolved oxygen is inversely related to water temperature**), **when dissolved-oxygen levels are at a seasonal low.**

Conditions may become especially serious during a period of hot, calm weather, resulting in the loss of many fish.”

[https://www.usgs.gov/special-topic/water-science-school/science/dissolved-oxygen-and-water?qt-science\\_center\\_objects=0#qt-science\\_center\\_object](https://www.usgs.gov/special-topic/water-science-school/science/dissolved-oxygen-and-water?qt-science_center_objects=0#qt-science_center_object)



From Oyster River Dam at Mill Pond Feasibility Study: Evaluation of Alternatives p. 75-76

**“A more free-flowing riverine environment would also reduce the amount of algae and aquatic plant biomass generated on an annual basis compared to the existing impoundment.”**

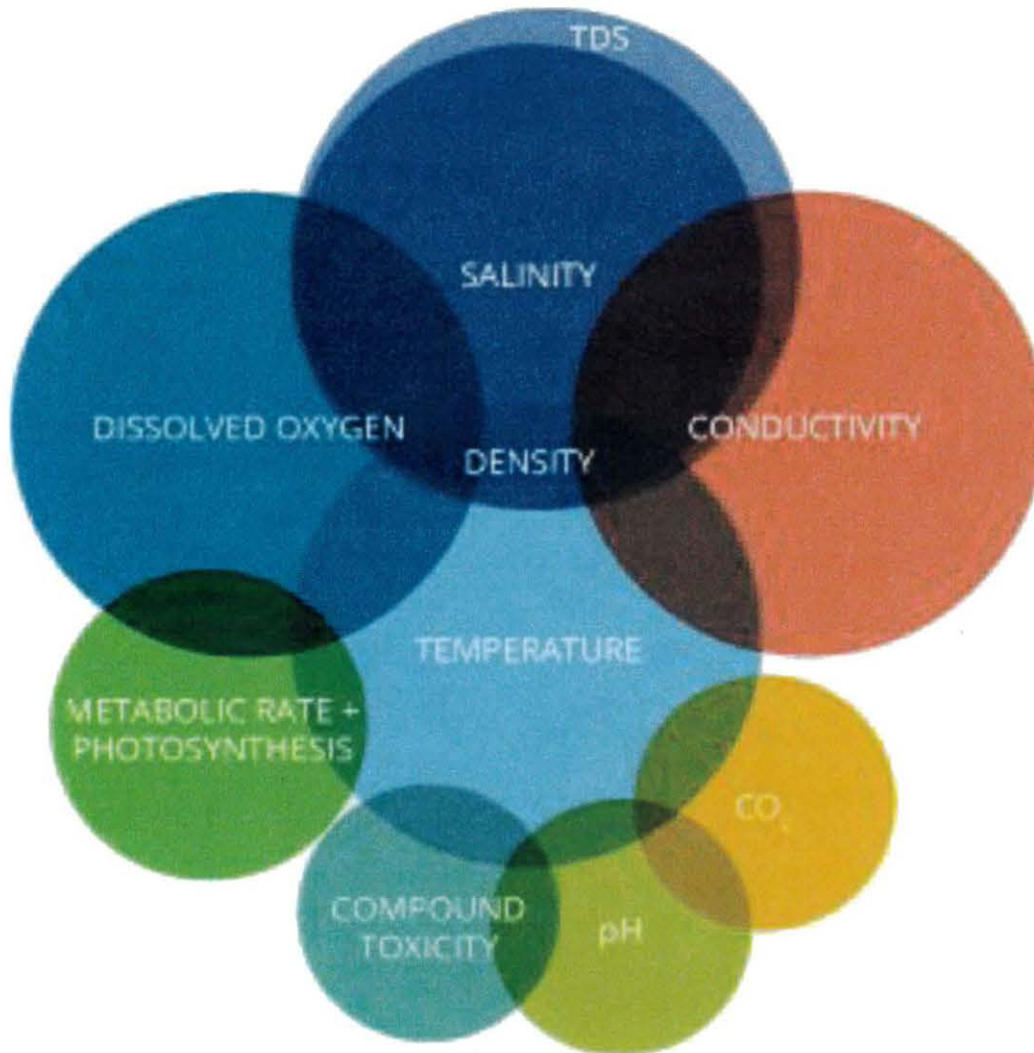
“As indicated by the WASG data discussed above, this algal and plant biomass growth can affect the nutrient dynamics and although the impoundment may temporarily retain nitrogen during the summer months, a **potentially greater release of dissolved organic nitrogen could occur following plant die-off and the decomposition process. The decomposition of organic material also exerts a dissolved oxygen demand. Eliminating or reducing this biomass production could diminish the dissolved oxygen and nitrogen fluctuations produced under existing conditions. “**

“**Dissolved oxygen** (DO) is a measure of how much oxygen is dissolved in the water - the amount of oxygen available to living aquatic organisms. The amount of dissolved oxygen in a stream or lake can tell us a lot about its water quality.”

[https://www.usgs.gov/special-topic/water-science-school/science/dissolved-oxygen-and-water?qt-science\\_center\\_objects=0#qt-science\\_center\\_objects](https://www.usgs.gov/special-topic/water-science-school/science/dissolved-oxygen-and-water?qt-science_center_objects=0#qt-science_center_objects)

A small amount of oxygen, up to about ten molecules of oxygen per million of water, is actually dissolved in water. Oxygen enters a stream mainly from the atmosphere and, in areas where groundwater discharge into streams is a large portion of streamflow, from groundwater discharge. **This dissolved oxygen is breathed by fish and zooplankton and is needed by them to survive.**

# Water Temperature



Water temperature can be affected by many ambient conditions. These elements include sunlight/solar radiation, heat transfer from the atmosphere, stream confluence and turbidity. **Shallow and surface waters are more easily influenced by these factors than deep water .**

Impoundments such as dams can drastically affect water temperature cycles. While a dam does not directly contribute heat to the water, it can affect the natural patterns of water temperature warming and cooling.

<https://www.fondriest.com/environmental-measurements/parameters/water-quality/water-temperature/>

## Water Temperatures

From: Oyster River Dam at Mill Pond Feasibility Study: Evaluation of Alternatives p. 70-71

“With respect to water temperatures, Table 3.5-2 shows that **water temperatures measured in Mill Pond are higher than the reported upper limits considered to be optimal to blueback herring and alewives for approximately 56% and 39% of the days** during the 2016 summer months (June through September). The percentage of days with temperatures above these thresholds were much lower in the other years but still represented approximately 7 to 45% of the days, excluding 2019, which only had data for 32% of the available period. **The data suggests that in some years the warmer temperatures may extend over long enough periods to adversely affect the habitat potential for these anadromous fish species.**”

## **Water Quality**

“Water quality conditions in the Oyster River both upstream and downstream of the Oyster River Dam are impaired and do not fully support the existing designated uses. These designated uses include aquatic life integrity and primary recreation, and the impairments are largely due to low dissolved oxygen levels and elevated bacteria levels, respectively. Excessive algae and aquatic plant growth are concerns both upstream and downstream of the dam and are believed to be linked to an abundance of nutrient inputs. In freshwater bodies, like Mill Pond, phosphorus is typically the limiting nutrient where increased availability often leads to excessive growth (also known as eutrophic conditions).”

Oyster River Dam at Mill Pond Feasibility Study: Evaluation of Alternatives

# River Herring Fisheries

“Historically, river herring populations reached into hundreds of millions. Returning to coastal rivers every spring, these fish supported some of the oldest fisheries in the United States.

River herring are prey for important recreational and commercial species, such as cod, haddock, and striped bass.

Over the years, **river herring populations have declined due to habitat loss associated with dams, road crossings and other development activities**, overfishing as a direct fishery and as bycatch, pollution, and other factors.”

<https://www.fisheries.noaa.gov/species/river-herring#overview>

In freshwater, alewives are food for large- and smallmouth bass, brown trout and other salmonids. In the estuaries and the ocean, striped bass, cod and haddock feed on alewives, and **the recovery of these economically valuable fish depends in part, on restored populations of alewives.**

In addition, lobstermen depend on alewives; they are the traditional spring bait for lobsters.

<https://www.fws.gov/gomcp/pdfs/alewife%20fact%20sheet.pdf>



## Comments from the Atlantic States Marine Fisheries Commission

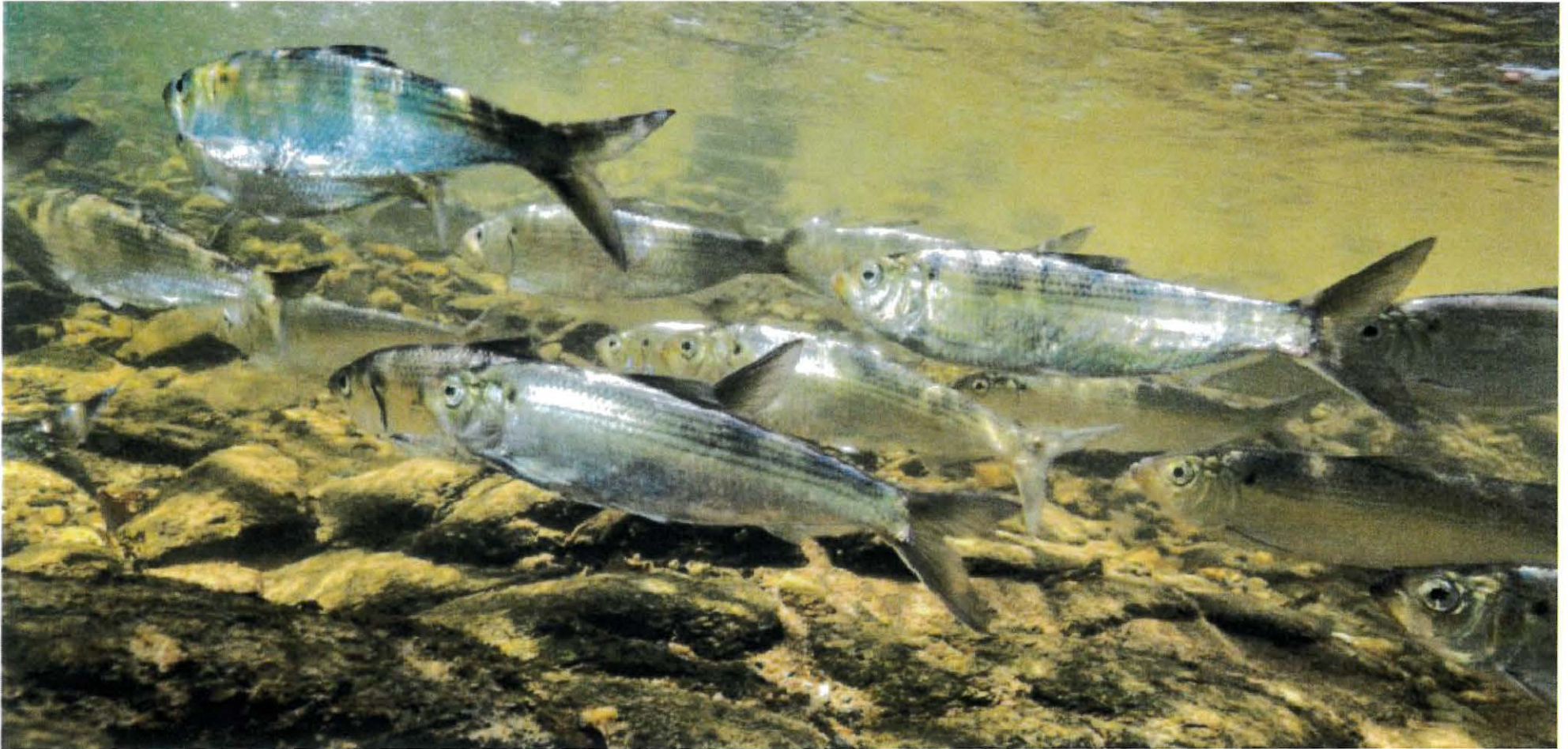
<http://www.asmfc.org/files/Meetings/2017SummerMeeting/ShadandRiverHerringSupplemental.pdf>

“The numbers of river herring returning to the Oyster River fishway have been decreasing since the mid 1990’s. One possible explanation for the decline is diminishing water quality in the Mill Pond impoundment above the head-of-tide dam. Increasing eutrophication has been observed by NHFGD staff over the past several years. Due to this eutrophication oxygen levels could be critically low while juvenile river herring are utilizing the impoundment as nursery habitat. In addition, the Oyster River is used as a municipal water supply. In years when flows are below average very little water is observed flowing over the spillway of the head-of-tide dam. River herring can only emigrate from this impoundment over the spillway and thus become “trapped” in water with diminishing quality in years with lower river discharge. In response to the diminishing river herring returns the Oyster River and its tributaries were closed to taking of all river herring in 2012.

Other factors affecting returns include; poor water quality affecting survival of young-of-the-year (low DO during summer months, downstream passage problems, water withdrawals by the local municipalities, and drought conditions in some years).”



The Mill Pond impoundment is part of multiple systems. River Herring that depend on this resource for spawning and survival are increasingly threatened by deteriorating habitat conditions. The decreasing population of these fish results in decreased food for the fish and wildlife that forage in the pond and downstream in the bay and open ocean. New England coastal fisheries depend on the River Herring as food for larger fish, and bait for lobster.



**Alewives**

<https://nas.er.usgs.gov/queries/factsheet.aspx?SpeciesID=490>

## **Alewives Have Been Central to the Web of Life**

“If we give alewives a chance by helping restore them to their ancestral spawning grounds, alewives will once again play an important role in bringing our rivers, lakes, estuaries and oceans back to life.”

<https://www.fws.gov/gomcp/pdfs/alewife%20fact%20sheet.pdf>

## **Dam removal supports the survival of River Herring**

The Mill Pond continues to accumulate sediment and excess nutrients from storm runoff upstream in the Oyster River and its adjoining brooks. The quality of the waters impounded by the Oyster River Dam continue to decline in quality.

The choice to stabilize the dam without dredging will eventually lead to an impoundment no longer able to support the fish that depend on it for their survival. The loss of River Herring populations from the Oyster River will remove a vital step in multiple food chains, and will negatively impact New England fisheries.

The choice to remove the dam will allow for free-flowing water joined by estuarine waters. The open waterway will allow for water quality improvements and the long-term survival of the River Herring. The River Herring will contribute to the food webs of the river, estuary, bay, and ocean and to the fisheries industry.

Any changes to the dam will be accompanied by challenges. River sediments will be disturbed, invasive plants will continue to live along the shoreline, the ecology will shift from freshwater to estuarine, etc. Other communities have removed dams from their waterways and Durham has the benefit of those prior experiences with mitigating the impacts of dam removal including control of river sediments, removal of invasives, and planting of native vegetation.

Improvements in the fish ladder will not improve habitat conditions in the Mill Pond.

Removing the dam will not stop the delivery of sediment and excess nutrients to the Oyster River without significant efforts by the Town of Durham, UNH, and shoreland abutters to stop the uncontrolled and untreated storm runoff and the erosion of the shoreland of the Oyster River and the adjoining brooks and streams.

RECEIVED  
Town of Durham  
FEB 05 2021

115/21

Administration Office

Dear Durham Town Council,

We, the Indigenous New Hampshire Collaborative Collective (INHCC) write to you respectfully to advocate for the removal of the Mill Pond Dam. Several of our indigenous partners, Kathleen Blake, chair of the NH Commission on Native Affairs, and Paul and Denise Pouliot, spokespersons for the Cowasuck Band of the Pennacook-Abenaki People have previously written you about this initiative.

At Durham's public hearing (1/11/21) the recent feasibility study ("Dam Removal Study") was discussed. Comments were heard about the progress made over many years in favor of the dam's removal. The Durham Conservation Commission had previously voted unanimously (7-0) for dam removal stating in part 'we need to speak for the flora and fauna who can't speak for themselves and recognize the river's history that started well before the arrival of Europeans'. Further, the Commission stated that all fisheries and wildlife conservation groups supported removal in order to preserve a healthy ecosystem connecting the Oyster River and the Great Bay Estuary.

Natalia Diessner, an INHCC member and Ph.D candidate in UNH's Natural Resources and Environmental Studies Department conducted a public opinion poll to inquire about preferences regarding dam removal in NH. Her key findings showed that a majority of respondents prefer to remove dams when the alternative is to keep them for maintenance of waterfront property values, preservation of industrial history or maintenance of lake or pond based recreation. The sole overriding reason to keep dams is in the case of hydropower generation.

We support scientific studies showing that fish ladders decrease fish runs and endanger the natural life cycles of the many species formerly abundant in the Oyster River, namely, chad, alewife, herring and salmon. According to Kathleen Blake, after Exeter removed its dam, 'the river is much more beautiful today and has returned to a fully functioning riverine system. For example, the alewives returned that year. When we respect the Earth, we are given respect in return'. The Nature Conservancy states that what they have seen with dam removal is nothing but improvement; nature is allowed to restore and heal itself.

Finally, we take issue with the many arguments citing financial costs. These can be mitigated by federal grants and other available funding sources. Additionally, the potential dangers of dredging up chemical toxins buried in the pond's sediment can be mitigated by careful engineering and chemical disposal as has been accomplished in 26 states. As one advocate stated, 'this is not rocket science'.

This is the hope of INHCC, that history should not be preserved at the expense of a healthy river. Our land acknowledgement states 'we are on the homelands of the Abenaki/Wabanaki people who have ongoing cultural and spiritual connections to this area. We acknowledge the land, the waterways and the people who have stewarded it through the generations'. The dam is destructive to the ecological integrity of a river that has been stewarded by indigenous ancestors for thousands of years.

Protecting the river involves restoring its authentic history. Mill Pond Park features the account of the 'Oyster River Massacre' that resulted in the murder over 100 local settlers. This false myth perpetuates harmful racial stereotypes and prejudices. In fact, historical records explain that Natives were fighting back against colonists who had broken treaties, destroyed their farming and hunting grounds, stolen their lands and extorted control over those who had lived in the region for thousands of years and had tried negotiating their complaints in the English courts. Warfare was their last resort. This narrative needs to be heard.

INHCC looks forward to working together to preserve the park's ecology and history. Suggestions include a model fish weir, keeping the dam's original abutments and signage naming trees and shrubs in many languages, including Abenaki. Much work lies ahead, but it is good work and we look forward to it.

Very best regards, INHCC

Ann Podlipny INHCC member  
apodlipny57@comcast.net  
603-370-1914



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Town of Durham  
FEB 05 2021

115121

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Very best regards, INHCC

Ann Podlipny INHCC member  
apodlipny57@comcast.net  
603-370-1914

## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 10, 2021 4:33 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Please Remove the Mill Dam, Letter Attached - Zak Robinson  
**Attachments:** Durham Mill Dam Removal Letter.docx

Dear April and Rich,

Please include with the public file with respect 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](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!*

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**From:** Zak Robinson <[zak@risingtideanglers.com](mailto:zak@risingtideanglers.com)>  
**Date:** Wednesday, February 10, 2021 at 8:37 AM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Please Remove the Mill Dam, Letter Attached  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Please find attached letter below.

Thank you,  
Zak Robinson



**Zak Robinson**  
Rising Tide Anglers  
Guided Fly Fishing

 [6038288290](tel:6038288290)  
 [Zak@risingtideanglers.com](mailto:Zak@risingtideanglers.com)  
 [www.risingtideanglers.com](http://www.risingtideanglers.com)  
 Portsmouth, NH and Point Judith, RI





# RISING TIDE ANGLERS

February 9<sup>th</sup>, 2021

## Durham Town Council

Dear Katherine Marple and members of the Council,

I'm writing today to ask for your affirmative vote to remove the Mill Dam in Durham.

As a fishing guide on the Piscataqua River for 18 seasons, I've seen our fisheries and the Great Bay degrade rapidly. Head of the tide dams have proven to be a detriment to wild fisheries and water quality.

While this particular dam does provide unique habitat, it is not the type of habitat that our wild and native fisheries need. The lack of dissolved oxygen behind the dam does not support the cold water diadromous species that were native to these drainages before the dam was built. Removing the dam would create an opportunity for the restoration of many species, and also allow the natural passage of critical anadromous fish.

The time to make a change is now, please vote to remove this dam for future generations of fish, wildlife, and humans.

Thank you,

*Zak Robinson*

**Captain Zak Robinson, Owner and Guide**

603-828-8290



Zak@Risingtideanglers.com



www.risingtideanglers.com



1474 Islington St, Portsmouth NH 03801



## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 10, 2021 4:49 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Opinion Letter re: Oyster River Dam - Anita Mathur & Steve Wourgiotis  
**Attachments:** OysterRiverDamLetter\_MathurWourgiotis.pdf

Dear April and Rich,

Please post with the public feedback 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](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!*

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**From:** Anita Mathur <[anita\\_mathur@yahoo.com](mailto:anita_mathur@yahoo.com)>  
**Date:** Tuesday, February 9, 2021 at 11:34 AM  
**To:** Jennie Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>, Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Cc:** Steve Wourgiotis <[steven\\_wourgiotis@yahoo.com](mailto:steven_wourgiotis@yahoo.com)>  
**Subject:** Opinion Letter re: Oyster River Dam

Hi Todd and Jenny,

Steve and I sent this letter separately to the town council email address but thought we'd better send it to you for good measure. Feel free to forward to wherever it needs to go and it is also OK to post on the town website if you wish.

Thanks so much for your hard work on this important issue.

Anita Mathur (& Steve Wourgiotis)  
15 Oyster River Road, Durham

Re: Letter in Favor of Dam Removal/Oyster River Restoration  
February 9, 2021

Dear Durham Town Council,

My name is Anita Mathur. I live with my husband Steve Wourgiotis and our 9-year-old daughter, Maia, in the faculty neighborhood of Durham. We are a stone's throw from the Oyster River and are in walking distance of Mill Pond.

Issues of community and environment are extremely important to our family. I grew up in Durham and Steve and I both graduated from Oyster River; he got his BA from UNH. After earning our graduate degrees in California, Steve and I moved back to Durham in 2012 to raise our daughter and care for my aging parents (Durham residents since 1974). I founded the Oyster River Alumni Association in 2005 to help support the school district and keep Oyster River graduates connected to longtime friends and their home community. My dedication to Durham and the Oyster River schools is an enduring part of my personal identity.

Having grown up in Durham, and now raising our child here, Steve and I have sincere empathy for the nostalgia and passion that surrounds the fate of the Oyster River/Mill Pond dam. I regularly walk with Maia from our house to the Oyster River and Mill Pond, and Steve takes Maia paddling on our local rivers and bays with joy and a sense of connection to the land. Because we see both sides of this issue and have many close friends with differing views, we have been hesitant to make a strong public stand on the question of dam removal versus stabilization.

Like many people who live in Durham, we appreciate the growing concern about changes in our town that could make it lose the history and character that we know and love. We were against the renovation of the UNH Pool and are now completely aghast at the proposed changes to the Mill Plaza. Yet changes are sometimes needed. Steve and I worked hard to get out the vote for the new middle school building since we recognized that the time had come to embrace change and do the right thing for future generations. So too, we now realize that the time has come to let go of our beloved dam in order to best preserve and protect our town's natural environment – and our wider Great Bay estuary system.

Removing our iconic dam and pond will of course be heart-wrenching, especially for longtime residents. But, like the demolition of the increasingly unsafe middle school to build anew, removing the crumbling dam to restore the natural river is absolutely the right thing to do at this juncture. While the Oyster River dam certainly has been a landmark of our town for generations, we must remember that the Oyster River is a natural wonder in its own right, and when restored with proper care, it will surely stand on its own as our town symbol.

There are so many reasons to support the natural restoration of the river over dam stabilization. The most obvious is that removing the dam is vastly cheaper than stabilizing it. Additionally, the environmental conservation benefits of the project will allow us to qualify for offsetting grants that will further bring down the cost. Steve and I would much prefer to see these saved funds put into our public schools and other important town infrastructure and land-use projects than to

have our dollars go to “fixing” the dam and then to continually dredge the pond – or watch helplessly as it transforms into an unsightly marshland.

But more important than cost is that the removal of the dam will return the river to a natural state, which environmental and marine scientists along with conservation experts have argued is much better for fish and wildlife and the long term health of the Great Bay Estuary. Allowing the river to return to a natural state will also increase resilience against the looming effects of climate change, since a natural river can better withstand heavy rains and flooding. The Town Council has received ample documentation of these points in letters and reports from experts in the field, and we urge you to take them seriously. Durham’s leadership should trust the work of science professionals to lead us in the right direction. We absolutely must be on the right side of our town’s environmental history. Our children’s future depends on it.

In this decision-making process, Steve and I would encourage the Town Council to put in the additional time, resources, and community conversation to further flesh out what an **Oyster River Restoration Project** would really look like. *This will enable people to see all that they will have to gain by dam removal, not simply what they would lose.* Just as ORCSD did with the middle school campaign, let us make good use of detailed descriptions and visualizations that will enable our community to really get a feel for what the natural river and surrounding areas might be like over time. The visualizations that VHB has provided so far in their report are a good start, but the community should also see how the town landing and other downstream areas will (or will not) be affected, how the upstream sections of the river might widen and deepen over time, and how the forests might fill in – 10 years, 20 years, 50 years, 100 years from now.

We should also have more community discussions on what benefits we would like to see with dam removal and river restoration. For instance, can we nurture the formation of a natural waterfall that would be similar to the look of the dam? In time when the land becomes more solid (and even forested), could we create new walking trails that lead to the riverbanks? Could we place informational signage that describes the history of Indigenous Peoples’ use of the river, so that what we “lose” in the invisible history of the dam, we gain in visible history of our town’s ingenious peoples? What benefits to the town might we see from the increased fish population? How might water activities be enhanced by the restoration? Can we work with other neighboring towns to ensure that the river remains free of downed trees so that canoes can easily traverse the entire stretch of the river? Importantly, can we somehow still find or create adequate space on the river to continue our beloved outdoor skating activities? 😊 This more detailed discussion will allow people in our community to become excited for the positive changes that would be generated with dam removal, not just depressed and fearful of its loss.

Should the town decide to support dam stabilization, Steve and I will be vocal in our insistence that the town dedicate adequate resources to properly restore Mill Pond to a healthy state and keep it that way. While on-going dredging is expensive, it is the price our town must be willing to pay to maintain a healthy pond environment that we have actively chosen to sustain. I’ve attached a photo to this letter which shows how I remember Mill Pond from my youth. The health of the pond today is a far cry from what it used to be, and its neglect is an absolute embarrassment to our community. We must do better.



I have faith that Durham residents have the capacity to move past their nostalgia and make necessary personal sacrifices if the vision of moving forward into a new and better future is clear and powerful enough. Many thanks for your leadership in this important decision.

With love and deep respect for our community and its environment,

Anita K. Mathur, Ph.D. & Steve Wourgiotis, M.B.A.  
15 Oyster River Road, Durham



Anita Mathur with Mill Pond Swan, circa 1975!

## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 10, 2021 5:02 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond Dam Letter - John Silverio & Trout Unlimited  
**Attachments:** Mill Pond Dam Removal Letter final.docx

Dear April and Rich,

Please include the email below AND the attached letter (which are not the same document) as part of the public file for 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** John Silverio <[johnsilverio27@gmail.com](mailto:johnsilverio27@gmail.com)>  
**Date:** Tuesday, February 9, 2021 at 11:05 AM  
**To:** Jennie Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)>, Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>, April Talon <[atalon@ci.durham.nh.us](mailto:atalon@ci.durham.nh.us)>, Rich Reine <[rreine@ci.durham.nh.us](mailto:rreine@ci.durham.nh.us)>, Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Mill Pond Dam Letter  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Good morning, Council Members,

I am, as the President of the Great Bay Trout Unlimited chapter, attaching a letter supporting the proposed dam removal. I am personally not a Durham resident, but I have been a middle school teacher in town since the early 1990's. I fully understand the magnitude a decision like this can have impacting those in the town in a variety of ways. Our mission as a TU chapter is cold water fishery conservation and preservation. As a teacher who has raised Atlantic salmon during my early years with the US Fish and Wildlife Service and most recently the Trout in the Classroom program through NH Fish and Game, restoring the landscape to it's natural ecosystem has a tremendous benefit for connecting our students taking part in these programs with their community. Helping to restore New Hampshire's state fish, the brook trout, to the Seacoast is something very much worth considering, as well as helping to restore native fish migration from brackish to freshwater is essential to overall health of the natural setting. Good luck with your decision. Feel free to reach out to me if you have any questions.

John Silverio  
Great Bay Trout Unlimited Chapter 613

Oyster River Middle School Educator  
603-969-4184



To: Town Council, Durham NH

From: Great Bay Chapter, Trout Unlimited

Dear Councilors,

As a conservation organization, Great Bay Trout Unlimited (GBTU) is interested in conservation opportunities within the watersheds in our area. The GBTU Board of Directors is following the current discussion of options for conservation restoration in the Mill Pond area to include dam repair and siltation removal, and dam removal and limited siltation removal. We have shared links to the information with our members and have encouraged our members who are residents of Durham to become involved in the discussion.

Our Board recognizes that the decision on these options must be made by the residents of Durham. We do favor the dam removal proposal as it opens the watershed to migrating fish species and can have lasting positive effects on the water quality and the environment in the Oyster River watershed area. Similar recent dam removals in Exeter and Dover have noticeably enhanced the environment in the Exeter and Bellamy Rivers, respectively.

GBTU wants the Durham Town Council to know that, if a decision for dam removal offers opportunities for local organizations to team up on resulting restoration and conservation projects, we will work to mobilize our members to support and participate in those efforts.

Respectfully,

Great Bay Trout Unlimited Board of Directors

John Silverio  
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Vice President

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Paul Spendley  
Secretary  
Education Coordinator

Dave Fritz  
Programs

Mark Seymour  
Trout in the Classroom Coordinator

John McKernan  
Youth



## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 10, 2021 5:10 PM  
**To:** Richard Reine; April Talon  
**Subject:** FW: Mill Pond Removal -- A Historian's Perspective - Jeffrey Fortin

Dear April and Rich,

Please include this correspondence as part of the public file with respect 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Jeffrey Fortin <fortinj@emmanuel.edu>  
**Date:** Monday, February 8, 2021 at 2:40 PM  
**To:** Jennie Berry <jberry@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>, "alon@ci.durham.nh.us" <alon@ci.durham.nh.us>, Rich Reine <rreine@ci.durham.nh.us>  
**Subject:** Mill Pond Removal -- A Historian's Perspective

Dear Council Members,

I am writing in support of removing the Mill Pond Dam in the Town of Durham. Why would a professional historian – especially one who teaches a college course on New England history – want to remove a structure with perceived historical value such as the Mill Pond Dam when it speaks to our town's history? I believe the dam carries little to no weight in terms of historical value and it does not serve as any sort of public asset in the preservation of the town's heritage or historical narrative.

What carries far more value is the positive environmental impact removing the dam would have on the Oyster River and the Bay. Returning the land to resemble its pre-industrial state would help revive fish spawning and likely help the newly emerging oyster farming operations in the Bay. Mill Pond is a murky, low oxygen body of water that has little ecological advantages. Removing the dam would not discourage wildlife and, according to experts in the field, would provide a more oxygen rich, healthier environment for the species already in the pond.

Historically, the Mill Pond Dam removal is akin to a monument or statue that has outlasted its stay. In a culling of sorts over the past few years, towns and cities all over the country have been removing statues and monuments because they no longer represent the values of those communities. Much like these statues and monuments, the Mill Pond Dam has outlasted its usefulness and does not reflect our town's support of environmentally positive projects such as the solar array atop Churchill Rink. The dam is not history; it is a relic of history that provides no teachable value for learning about our past. Much like a statue or monument, one gains no new knowledge by visiting it. There are several parks and

other preservation sites within short drives of Durham that provide important history education for any school children or adults who wish to learn about the Industrial Revolution or the role played by mills in New England history.

Finally, the long term cost of preserving the dam seems to be a financial burden that is not necessary. Why saddle future generations with millions of dollars in repairs when we can remove the dam and bring back the natural ecological state of the waterway.

Thank you for taking the time to read this message

All my best,  
Jeffrey A. Fortin

--

**Jeffrey A. Fortin, Ph.D.**

Chair, History Department

Associate Professor of History

Internship Coordinator

617-975-9119// [fortinj@emmanuel.edu](mailto:fortinj@emmanuel.edu)

Check out our Department Blog: <http://echistorians.blogs.emmanuel.edu>

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## April Talon

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**From:** Todd Selig  
**Sent:** Wednesday, February 10, 2021 5:33 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Vote on the Removal of the Mill Pond Dam - Bryant Bickford

Dear April and Rich,

Please 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Bryant Bickford <[seacreature36@yahoo.com](mailto:seacreature36@yahoo.com)>  
**Date:** Friday, February 5, 2021 at 6:55 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Vote on the Removal of the Mill Pond Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Dear Town Council Members,

We are writing this letter in support of your vote to remove the dam at the head of the Oyster River. This dam currently serves little purpose, but poses a terrible problem for the fish that reside in the Great Bay estuary. The dam blocks the passage up the river of many species, including Atlantic salmon, alewives, and rainbow smelt, who use these ecosystems to reproduce. Dams were once important to the economy of the Great Bay, but they are no longer. By removing this dam, wildlife will flourish, and water quality will improve. Let's move forward for the benefit of the community - those that vote, and those that live within the Oyster River. As neighbors and friends we support your choice with the future in mind. Thank you for your consideration.

Warm Regards,  
Bryant and Pia Bickford  
Newmarket, NH

[Sent from Yahoo Mail for iPhone](#)



## April Talon

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**From:** Todd Selig  
**Sent:** Thursday, February 11, 2021 9:38 AM  
**To:** measurementqueen@gmail.com  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: The Mill Pond Dam - Katie Paine

Dear Katie,

Thank you very much for this input. I know the members of the Council will appreciate it as they carefully weigh this issue.

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](http://www.ci.durham.nh.us)  
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**From:** Katie Paine <measurementqueen@gmail.com>  
**Date:** Thursday, February 11, 2021 at 7:52 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** The Mill Pond Dam  
**Resent-From:** <council@ci.durham.nh.us>

Like many of my neighbors, I have grown up skating on the Mill Pond, taking pictures of it, running by it and appreciating its heritage. But I am writing in favor of eliminating the dam because ultimately, the next generation of Durham kids need a healthy environment more than they need a pretty waterfall. Our limited funds need to be put towards efforts to increase the sustainability of our ecosystem not maintaining a dead swamp. That swamp is full of decaying organisms that will release more nitrogen into Great Bay and further damage our local ecosystem. A free flowing river will provide plenty of beautiful scenes for them to photograph and areas to play in as well as ensure a much healthier ecosystem.

Katie Delahaye Paine  
CEO  
Paine Publishing, LLC  
Founding Member, IPR Measurement Commission  
<http://www.instituteforpr.org/ipr-measurement-commission/>  
Senior Fellow, [Marketing & Communications Center, The Conference Board](#)

51A Durham Point Road  
Durham, NH 03824 USA  
603-682-0735  
Fax: 520-303-9566

Twitter: @queenofmetrics

Facebook: Katie Paine

Skype: KDPaine

LinkedIn: <https://www.linkedin.com/in/kdpaine>

<https://painepublishing.com>

## April Talon

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**From:** Todd Selig  
**Sent:** Thursday, February 11, 2021 9:42 AM  
**To:** CCA NH  
**Cc:** April Talon; Richard Reine  
**Subject:** FW: Letter of support for removing Mill Dam - Zak Robinson, President of CCA NH  
**Attachments:** Durham Mill Pond Dam removal Letter CCA.docx

Dear Zak,

Thank you very much for your feedback relative to the future of the Mill Pond Dam on the Oyster River. I know members of the Council will carefully review it as part of their deliberations.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** CCA NH <[info@ccanh.org](mailto:info@ccanh.org)>  
**Date:** Wednesday, February 10, 2021 at 7:07 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>  
**Subject:** Letter of support for removing Mill Dam  
**Resent-From:** <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>

Please find attached letter below, thank you for considering this request.



**Zak Robinson**

President - CCA NH

**m:** 603.731.2669

**a:** P.O. Box 4372 Portsmouth NH 03801

**w:** [www.ccanh.org](http://www.ccanh.org) **e:** [info@ccanh.org](mailto:info@ccanh.org)

CCA NH is a volunteer organization committed to promoting, protecting and enhancing the present and future availability of coastal resources for the benefit and enjoyment of the general public.

# Coastal Conservation Association Of New Hampshire

Post Office Box 4372 • Portsmouth, NH 03802  
Phone: (603) 731-2669 • E-mail - [info@ccanh.org](mailto:info@ccanh.org)  
Web Address - [ccanh.org](http://ccanh.org)



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**Ellen Goethel**

**Melissa Paly**

February 10<sup>th</sup>, 2021

Via Electronic Mail ([council@ci.durham.nh.us](mailto:council@ci.durham.nh.us))

*Re: Durham Mill Pond Dam*

Dear Katherine Marple and members of the Council,

The Coastal Conservation Association of New Hampshire is a non-profit conservation organization comprised of marine recreational enthusiast, fisherman, and concerned citizens. The stated purpose of CCA NH is to advise and educate the public on conservation of marine resources. The objective of CCA NH is to conserve, promote and enhance the present and future availability of these coastal resources for the benefit and enjoyment of the general public.

As such, CCA NH strongly supports the removal of the Durham Mill Pond Dam. The proposed removal would start the process of restoring habitat that is critical to our native diadromous fishes. Great Bay and its tributaries serve as nursery for a myriad of marine species of extreme economic, recreational and ecological importance. It provides an environment, which if kept healthy and vibrant, is integral to the New Hampshire seacoast region's continued economic growth and continued practice of cherished cultural traditions.

The science is clear as to the benefits of dam removal on our Seacoast rivers feeding into Great Bay. Every dam removal is a step toward restoring our migratory fish populations in our estuaries. Allowing these critical rivers to flow freely is restoring them to their historic place where fresh and saltwater meet naturally. The recent removal of the Exeter Dam should serve as an example of what the Oyster River could be again, oxygenated water and free passage for fishes to travel up or down river, as it was historically.

We strongly urge the Town of Durham Town Council to support removal of the Mill Pond Dam.

Sincerely,

---

Zakary Robinson, President CCA NH

## DEDICATED TO CONSERVING NEW HAMPSHIRE'S MARINE RESOURCES

*The Coastal Conservation Association of NH ("CCA NH") is an unincorporated state chapter of the Coastal Conservation Association ("CCA"), which has over 96,000 members in seventeen states. CCA is a nonprofit, public charity corporation that is qualified under IRC §501(c)(3).*

*Donations to CCA NH are tax deductible under IRC §170.*

## April Talon

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**From:** Todd Selig  
**Sent:** Thursday, February 11, 2021 2:19 PM  
**To:** April Talon; Richard Reine  
**Subject:** FW: Mill Pond dam comments, take II - Jake Kritzer  
**Attachments:** J. Kritzer comments on Mill Pond dam 02.10.2021.pdf; Rosa Kritzer river drawing.pdf; J. Kritzer comments on Mill Pond dam 01.08.2021.pdf

Dear April and Rich,

Please include this correspondence with the public folder from Jake Kritzer 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](http://www.ci.durham.nh.us)  
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**From:** Jake Kritzer <jake.kritzer@gmail.com>  
**Date:** Thursday, February 11, 2021 at 1:41 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** Jennie Berry <jberry@ci.durham.nh.us>, April Talon <atalon@ci.durham.nh.us>, Todd Selig <tselig@ci.durham.nh.us>, Michael Behrendt <mbehrendt@ci.durham.nh.us>  
**Subject:** Mill Pond dam comments, take II

Dear Town Council members,

As you approach your important deliberations on the fate of the Mill Pond dam next week, I respectfully ask that you consider my attached comments in support of removing the dam. These comments add to those I submitted previously on January 8th, which are also attached for reference.

My daughter asked me to share a drawing and note that she made, which is attached as well.

With thanks,  
Jake Kritzer

PS - My letter references the very ambitious restoration plan unveiled for the Columbia River out west, which includes decommissioning and removal of four active hydropower dams. A good article on that plan can be found here:

<https://www.seattletimes.com/seattle-news/environment/gop-congressman-pitches-34-billion-plan-to-breach-lower-snake-river-dams-in-new-vision-for-northwest/?fbclid=IwAR0RwntBVoCGheLFSxvkNfmeUosu3tQ-SjiROY8qZeeVXJXDcinrBQSQ3zg>

Locally, we have looked quite a bit to the recent experience with dam removal in Exeter. But it's worth noting that recent removals have also taken place on the Bellamy River:

[https://www.fisheries.noaa.gov/feature-story/dam-removals-new-hampshire-benefit-public-safety-fish-migration?utm\\_medium=email&utm\\_source=govdelivery](https://www.fisheries.noaa.gov/feature-story/dam-removals-new-hampshire-benefit-public-safety-fish-migration?utm_medium=email&utm_source=govdelivery)

And, a removal is underway on Peverly Brook in Great Bay National Wildlife Refuge:

[https://www.fws.gov/uploadedFiles/peverly\\_dam\\_decommissioning\(2\).pdf](https://www.fws.gov/uploadedFiles/peverly_dam_decommissioning(2).pdf)

There is precedent, experience, and momentum regionally and nationally in the direction of this important restoration approach.

February 10, 2021

Dear Town Council members,

I write to follow up on my previous letter in support of removing the Mill Pond dam. As I noted in that submission, I serve on the Conservation Commission and was the author of the Commission's motion and report in favor of removal. I listened with interest to the January 11<sup>th</sup> public hearing, but opted not to speak because I have had a platform not available to most of the community through my Commission seat, and because my personal comments that went beyond the issues raised by the Commission were on record in writing. However, several arguments made in support of keeping the dam during and following the hearing warrant being addressed directly:

### **Repair without dredging**

There have been calls to repair the dam without dredging the pond in order to avoid the high costs of dredging and difficulties in obtaining the necessary permits. However, if a key rationale for keeping the dam is the aesthetic and recreational value of the pond, failing to dredge means continuing the ongoing progression to a swamp and then a field as more and more sediment accumulates. We cannot keep the dam because we value the pond, but then not do the dredging required to keep the pond. Unless, of course, we simply want to defer the costs and permitting issues to the future to make the burden appear more tolerable now.

Some have also argued that we can keep the dam and have healthy aquatic ecosystem upstream. That is not really possible, especially if the pond is not dredged. The water quality issues caused by the dam are exacerbated by the continued shallowing of the impoundment given that nutrients become concentrated in the smaller volume of water and water temperatures increase in the absence of deeper thermal refuges. Together, those impacts lead to eutrophication and deoxygenation which make the habitat unsuitable for river herring and other aquatic species. Keeping the dam but not dredging is a decision to perpetuate environmental decline, not to find balance.

### **Infrastructure funding**

There were suggestions during the hearing that we can meet the high costs of stabilization and dredging through forthcoming infrastructure funding driven by the Biden Administration. This is a complete non-starter. A bill will be focused on critical infrastructure needed for economic recovery and public safety. There is no way that an ornamental dam will qualify, especially given the many high priority needs to improve roads, bridges, railways, ports, etc., and the inescapable risks that dams create, stabilized or not.

In fact, there are encouraging signs that the Biden Administration will promote enhancing ecological infrastructure as part of an overall infrastructure bill. In our town, removing the dam is one of the most significant actions we can take to enhance ecological infrastructure and build resilience to climate change. This has received too little attention in the debate to date, and warrants serious consideration.

Climate change is causing sea levels to rise and precipitation rates to increase. This means that extreme high tides will push more strongly on the dam from the downstream side, while extreme flow events strain the dam from the upstream side.

We recently saw both of these impacts come together on January 16<sup>th</sup> when a very high tide met heavy downstream flow during a rainstorm (right).

Resilient ecological infrastructure would not exacerbate these stressors by unnecessarily holding back an added volume of water. It would instead enable water to move and dissipate more freely, rather than being constrained. Restored tidal marshes where the impoundment now sits would absorb the high tidal



inflow and buffer adjacent lands. Additionally, removing the dam will restore natural sediment transport to downstream marshes, including those being restored at Wagon Hill. That will improve the ability of those marshes to repair, expand, and migrate in response to climate change impacts, and therefore more effectively provide services to the community. Those services include coastal protection, habitat creation, nutrient processing, and carbon sequestration, the latter helping to meet our Town goal of contributing to the targets of the Paris Accord.

All in all, removing the dam creates a cascade of positive and reinforcing environmental and public benefits.

### **Whataboutism**

As the public hearing progressed and a variety of local voices offered a clear and compelling case for removing the dam, an argument emerged that the real problems in the river are caused upstream by the UNH reservoir dam. This deflection is unfounded. Undoubtedly, the river would be healthier if the next dam were to be removed as well. However, that dam serves an essential water supply function, so the trade-offs with environmental impacts and lost ecological services are not as great as with the Mill Pond dam. Furthermore, the reservoir does not yet create the same degree of water quality impact as the Mill Pond dam, and installation of a modern fish ladder can reduce at least one adverse effect. Indeed, there is considerable potential to bundle removal of the Mill Pond dam, fish passage at the reservoir dam, removal of the Route 155 dam, and potentially other key restoration activities (culvert retrofits, riparian buffer restoration) into an ambitious watershed-scale funding proposal. Planning at that scale has yielded substantial federal investments in other watersheds. The incredibly ambitious and forward-thinking restoration plan recently unveiled for the Columbia River should inspire how we think about the future of the Oyster River.

Still, regardless of what happens at the reservoir dam, removing the Mill Pond dam will have unequivocal environmental and public benefits for the lower Oyster River. Enabling free fish passage, improving water quality and habitat quality for migratory and resident fishes, and building back healthy tidal marshes will all create a more vibrant ecosystem. The accompanying drawing by my seven-year old daughter Rosa illustrates what can happen when fish runs flourish and predators are drawn in to take advantage of the bounty. That has been seen elsewhere, and could very well become a new natural phenomenon at the center of our town. The prospect of one day organizing an Oyster River Herring Festival is enticing.

### **Attraction value**

Another narrative that emerged during the public hearing is that there is value in the dam and pond that cannot be quantified, and that there is more to this debate than dollars and science. I completely agree. I cannot speak to anyone else's personal feelings about the dam, but I take at their word those who convey the memories and feelings created by the dam and pond. I am, however, quite skeptical about several claims made to the effect that people move to Durham or travel here because we have an artificial waterfall and artificial pond. That feels like a stretch. Unfortunately, these are not uncommon features across New England.

My family moved to Durham in spite of the dam, not because of it. We valued the excellent school system; the proximity of the university and the sports, cultural events, and other resources it provides; the high quality of other public services (police department, fire department, library, town parks); surrounding amenities such as the coast, the Bay, state parks, and lively cities (Portsmouth, Portland, Boston); and more. We certainly valued the sense of community and ethos that promotes sustainability, inclusivity, and respect. I hope that continues.

If anything, we saw the dam as an opportunity for the community to come together around a project that would restore nature, and in doing so create economic, safety, recreational, and cultural benefits. Some see the artificial pond as a source of beauty, peace, fun, and fond memories. I respect those experiences. But I see similar possibilities in restoration of an open, flowing river. My daughter's drawing is based on



times we have spent standing alongside rivers with thriving herring runs, watching the flashing silver of their scales while ospreys and eagles dive, herons stalk, and larger fish and mammals hunt. Paddling with the river flow, unimpeded, is another powerful experience that brings a sense of peace, pace, and connection.

Those of us who feel that it is time for the dam to come out are not speaking out of robotic adherence to cold scientific data and cost estimates. We care about fiscal responsibility and public safety, to be sure. But we also see the wonder and vibrance that can come from the ecosystem waiting to be restored.

When the decision was made to construct the current dam, I suspect there was nowhere near the level of open public debate considering such a wide range of issues as we are undergoing today. I know for a fact that our understanding of the functioning of river ecosystems was much less developed, and our predecessors could not possibly have appreciated the cascade of lost ecological attributes and public benefits they were initiating. Even if they had that understanding, they lived in a time when the river, watershed, and climate were facing far fewer impacts than today, so the larger context of their decision was very different. For all of those reasons, our hands should not be tied to a decision made 100 years ago. We can and should preserve the memories and legacy of the time the dam stood, while looking ahead to what we can recover and the wise course of action in the world we live in today.

Thank you for considering my views (again).

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Kritzer".

Jake Kritzer  
8 Timberbrook Lane  
(617) 869-1336  
[jake.kritzer@gmail.com](mailto:jake.kritzer@gmail.com)



Dear Town Council,

Please vote to remove the Mill Pond dam so that the herring population can grow and predators can enjoy a meal. I enjoy watching eagles, ospreys, and kingfishers dive for fish. I also hope to see raccoons feeding at the edge of the river.

- Rosa Kritzer, age 7

January 8, 2020

Dear Durham Town Council members,

I write to express my strong support for removal of the Mill Pond dam on the Oyster River based on four important benefits for our community and state:

First and foremost, removing the dam is in the best interests of **public safety**. The original objective of most dams is to hold back water. In doing so, dams create the potential for significant property damage, injury, and loss of life if the dam is breached, sending a volume of water much greater than the river channel and floodplain have been sculpted to accommodate over geological time. Residences and public parks sit downstream of the dam, which put people in harm's way should this failing and obsolete structure give way. Communities across the nation have suffered this fate. As global climate change continues to unfold, these risks are becoming greater. One manifestation of climate change in the Northeast has been much wider swings in precipitation, including more frequent drought and flood events. Both have environmental impacts and introduce significant safety risks.

Safety risks can be reduced, although not eliminated, by stabilizing the dam. However, this course of action is not consistent with **fiscal responsibility**. The dam feasibility study estimates that stabilization will cost on the order of \$5M, whereas removal will cost approximately one-third as much. Furthermore, multiple grant programs from government agencies, environmental organizations, and sportfishing organizations can support removal costs, which can bring the local financial burden well under \$1M. This means that the costs to the Town of stabilization versus removal will likely differ by an order of magnitude. Furthermore, removing the dam introduces opportunities to not only cut costs but also create economic activity through new recreational opportunities. Town resident and small business owner Brian Keegan has made compelling arguments about the possibilities for economic revitalization presented by removing the dam. I urge you to listen carefully to Brian and other environmentally-minded civic leaders.

Indeed, the primary reason that funds are available to support dam removal initiatives is that dam removal represents one of the most significant acts of **environmental restoration** that we can take, especially at the local level. I serve on the Town's Conservation Commission, and as a private citizen echo the recommendation and rationale submitted by our Commission in support of dam removal. There are few human activities that so fundamentally change a healthy, natural ecosystem as significantly as construction of a dam (dynamite fishing on coral reefs and clear-cutting of forests are two that come to mind). A dam changes everything that defines a river ecosystem: water flow, water temperature, sediment transport, nutrient dynamics, species composition, habitat structure and connectivity, and more. The Conservation Commission submission summarizes these issues, which are outlined in much more detail in the feasibility study report. It is notable that state and federal agencies charged with stewardship of natural resources almost without exception endorse dam removal as the most environmentally responsible course of action, including the New Hampshire Department of Fish and Game and the National Oceanic and Atmospheric Administration.

Environmental restoration is not only important for the intrinsic worth of non-human resources – species, habitats, and ecological processes – but also for the value these resources provide to people. There is an intrinsic bias toward thinking about cultural and historical value solely in terms of built assets, such as buildings, artwork, and dams. The historical significance and listing of the dam are widely touted as priority reasons for keeping it in place. However, a natural, open, free-flowing river also has important cultural and historical value, especially **Indigenous peoples' heritage**. Prior to the past few centuries following European settlement of our region, Abenaki people called this area home for millennia. Their lives were tightly bound to natural resources and seasonal cycles, and rivers and the species they house were central features. As a community, Durham has made important statements in support of Indigenous

peoples. We now have an opportunity to make this support much more tangible by recovering one piece of Indigenous heritage. New Hampshire's Indigenous community is speaking up on the fate of the Mill Pond dam, and I strongly urge you to listen closely to their voices.

Importantly, choosing the responsible course of dam removal does not mean forsaking the historical value of the dam. Removal can be done in a way that retains a portion of the structure, allowing the river to flow freely while also showing the design, scale, and engineering features of the dam. We can also think creatively about riverside installations including signage, artifacts, models, and art that tell the story of the river and all of the people and wildlife that have relied upon it. I envision a **Coastal Heritage Park** that brings together the **natural, Indigenous, and industrial heritage** connected to the river. This would be an incredibly unique asset for our community and visitors, not to mention a rare public commemoration of the Indigenous peoples that first called this area home. We have lost too much Indigenous heritage, but it is neither gone nor forgotten. We have an opportunity to help reclaim that heritage.

As we make this important decision, it will be critical to focus not on what we will lose but rather on what we will gain. Roanne Robbins, my fellow Conservation Commission member, addresses loss and gain rather eloquently in her comments on this issue. The truth is that we will lose very little. We will lose most, but not all, of the structure, but can still preserve its story while also painting a much more complete and rich picture. We will lose the impoundment, but it is an artificial and dysfunctional ecosystem that will be replaced by something much more natural. Sediment and nutrient accumulation, disruptions in flow and temperature regimes, and declines in native species and habitats alongside accommodation of invasive species and habitats all make this a very one-sided trade-off. Beauty is, of course, in the eye of the beholder, but in my view the aesthetic value of a flowing river and restored riverbank will be vastly greater than the unnatural and nonfunctional stagnant pond we now have.

In closing, I would like to underscore that, although this is a local decision that will most affect our local community, the significance of this decision is more far-reaching. The Oyster River is a Protected River under the New Hampshire Rivers Management and Protection Program, reflecting the recognized significance of the river for the state as a whole. Even in the absence of that designation, migratory fishes inextricably connect the Oyster River to Great Bay, the Gulf of Maine, and the wider Atlantic Ocean. River herring and American eels are federally listed as 'species of concern', a warning that they could become listed as threatened or endangered in the absence of concerted conservation action. These species benefit ecosystems, fisheries, recreation, and wildlife tourism, and we have an opportunity to contribute to enhancing all of these values.

Thank you for considering my views on this important decision. We are not the first community to consider this question. Almost without exception, communities that choose to remove dams, restore ecosystems, and recover lost heritage come to see that the benefits exceeded their expectations. In fact, in many cases detractors later recognize that removal was the right course of action and enjoy the beauty, wildlife, and recreation that were recovered. I expect that our community will go through that same evolution. I look forward to working with all interested stakeholders in seizing the unique opportunity before us, and would be happy to answer any questions you might have on my perspective.

Sincerely,



Jake Kritzer

[jake.kritzer@gmail.com](mailto:jake.kritzer@gmail.com)

(617) 869-1336

## April Talon

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**From:** Todd Selig  
**Sent:** Thursday, February 11, 2021 3:13 PM  
**To:** Miller, Nadine; Durham Town Council  
**Cc:** April Talon; Richard Reine; Michael Behrendt; external forward for acorow  
**Subject:** Re: Oyster River Dam/Town Council letter - Nadine Peterson, NHDHR  
**Attachments:** Oyster River Dam-Durham[1] from NHDHR .pdf

Dear Nadine,

Thank you very much for this input relative to the historic head of tide Mill Pond Dam on the Oyster River. I know members of the Town Council will give it careful consideration, as well as the other feedback, studies, and information received as part of this lengthy process.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "Miller, Nadine" <Nadine.M.Miller@dncr.nh.gov>  
**Date:** Thursday, February 11, 2021 at 3:06 PM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Cc:** Todd Selig <tselig@ci.durham.nh.us>  
**Subject:** Oyster River Dam/Town Council letter  
**Resent-From:** <council@ci.durham.nh.us>

Dear Council Members:

The New Hampshire Division of Historical Resources respectfully submits this letter in support of consultation under Section 106 of the National Historic Preservation Act for the Oyster River Dam project in anticipation of the upcoming February 15, 2021 Town Council Meeting.

Please feel free to contact me should you have any questions or concerns.

Sincerely,  
Nadine Miller

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Nadine Miller

Deputy State Historic Preservation Officer  
NH Division of Historical Resources





## NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Natural and Cultural Resources 603-271-3483  
19 Pillsbury Street, Concord, NH 03301-3570 603-271-3558  
TDD Access Relay NH 1-800-735-2964 FAX 603-271-3433  
www.nh.gov/nhdhr preservation@dncr.nh.gov

February 11, 2021

Katherine Marple, Chair  
Durham Town Council  
8 Newmarket Rd.  
Durham, NH 03824

Re: Oyster River Dam at Mill Pond, Durham, NH

Dear Ms. Marple:

At the request of local constituents, I am writing in regards to the town-owned Oyster River Dam in Durham. The New Hampshire Division of Historical Resources (DHR) has been provided an opportunity to comment on the Oyster River Dam at Mill Pond Feasibility Study prepared by VHB this winter and conveyed the necessity of continued consultation under "Section 106" of the National Historic Preservation Act.

As New Hampshire's State Historic Preservation Office (DHR), our mission is to preserve and celebrate New Hampshire's irreplaceable historic resources through programs and services that provide education, stewardship, and protection. In addition, the DHR has a regulatory role under Section 106. Section 106 incorporates a consultative process that brings together the Lead Federal Agency, New Hampshire Division of Historical Resources, Tribes, Town of Durham through its Historic District/Heritage Commission (HDC/HC) and Consulting parties which may include historical societies and concerned members of the public. These organizations work together towards minimizing impacts that the project may have to historic properties.

Through a series of previous studies and evaluations, the Oyster River Dam was listed in the New Hampshire State Register of Historic Places, is individually eligible for listing in the National Register of Historic Places, and the dam and its impoundment and setting are contributing features of the National Register-listed Durham Historic District. The dam is significant for its engineering as an Ambursen type dam and for its contribution to the historical significance of the community as a whole. Built in 1913, it is the earliest example of its type in New Hampshire and one of only seven remaining in the state. It is a testament to its benefactor, Mrs. Edith Angela Congreve Onderdonk, who constructed it as a memorial to her step-father Hamilton Smith as well as for public health reasons, for industrial waterpower, and to maintain the landscape of her estate which is a focal point of this part of the Durham Historic District. Indeed, the dam stands as a reminder of Durham's 19<sup>th</sup> and 20<sup>th</sup> century milling and small-scale industrial heritage, philanthropy, and landscape design.

While specialists are assessing the effects of the potential removal of the Oyster River Dam to both currently inundated and dry landforms, the potential impacts to archaeological resources are also considered through the Section 106 process. Recent archaeological survey of the Oyster River Dam and surrounding landscape indicates sensitivity for the occurrence of archaeological deposits

representing both Native American and European-American land use and settlement. Sensitive areas include the Oyster River channel west of the dam, where it is likely that elevated water levels due to the dam's construction obscure topographical features that were once situated along the natural river channel and conducive to Native American occupation. The site of the Oyster River Falls is considered by historians to be one of the most important locations in the settlement of Durham. Archaeological resources in this area could include seventeenth through nineteenth-century homestead sites, the remains of wharves, landings and warehouses related to Durham's waterfront heritage. Potential exists that reactive meander bends triggered by removal of the dam, could erode landforms within and along the river channel impacting potential archaeological sites.

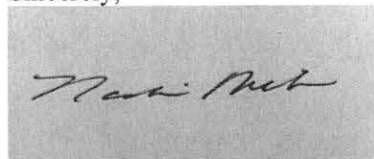
As a community with an active HDC/HC, Durham has shown its commitment to historic preservation. Historic district commissions, comprised of local volunteers appointed by the community, oversee changes within a local historic district and serve as important sources of technical assistance for property owners. Members are often experts in their respective fields and/or have a deep interest and passion for historic preservation at the community level. Other town boards are strongly encouraged to utilize the expertise of the HDC in preservation matters before them. The HDC acts in an advisory role to other officials, agencies, departments, boards, commissions, and committees of the local government regarding the identification, protection, and preservation of local historical resources. The DHR encourages the Town Council to take into consideration the comments that the Durham HDC/HC submitted on January 7, 2021. This input is invaluable at this stage in the process in order to come to an informed decision at the local level.

The DHR looks forward to participating in the next steps of the Section 106 process. These include the assessment of effects as soon as the Town makes a decision as to the project scope. Dependent on this decision, evaluative studies such as intensive archaeological survey may be necessary. This phase looks at the significance of the resources (ie. Dam and historic district) and utilizes a variety of tools (simulations, objective assessments, photographs, previous studies) to arrive at a decision as to the effect that the project will have to historic properties. The DHR works with all parties to identify ways to avoid, minimize, or mitigate effects should they occur. If adverse effects result from the project, the DHR will work with the Lead Federal Agency to resolve the effects through the execution of a Memorandum of Agreement. This process is open and transparent and we value consultation from all concerned parties.

Retaining our historic built environment assures that New Hampshire's quiet, rural character and vibrant communities are passed on to future generations for the benefit of all. In closing, the DHR asks that the Council utilize the expertise of its local HDC/HC in preservation matters relative to its historic resources. The DHR encourages the Town of Durham to continue to seek assistance that would strengthen decision making at the local level and to fully consider the irreversibility of removing the dam and its effect on the historic character of the community.

Please contact me at 603-271-6628 if I can be of additional assistance at this time. DHR staff is available for a virtual meeting, if requested. The DHR looks forward to working with you through the Section 106 process.

Sincerely,

A rectangular area containing a handwritten signature in cursive script, which appears to read "Nadine Miller".

Nadine Miller  
Deputy State Historic Preservation Officer



## April Talon

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**From:** DAVID STRONG <luckyhuck@comcast.net>  
**Sent:** Friday, February 12, 2021 7:36 AM  
**Subject:** DHA Statement on Mill Pond Dam - 2/12/2021  
**Attachments:** DHA - Mill Pond Dam Statement - February 12, 2021 - FINAL.pdf

Attached is the Durham Historic Association's statement regarding the **Mill Pond Dam On Oyster River Feasibility Study** dated February 12, 2021.

Respectfully,

David Strong  
DHA President

Dated: February 12, 2021

To: Durham Town Council

Cc: Todd Selig, April Talon, Durham Historic District Commission/Heritage Commission,  
Durham Conservation Commission, Jennie Berry

### **MILL POND DAM ON OYSTER RIVER FEASIBILITY STUDY**

Recognizing that during the January 11, 2021 public hearing it was determined that additional information was desired before making a decision about the future of the dam, and that a process was established for the Town Council to receive answers from VHB or other experts, it is the opinion of the Durham Historic Association (DHA) that:

1. Should the Town Council receive any new information regarding the Mill Pond Dam Feasibility Study from VHB or other source, then that information shall be made available to the public as soon as practicable.
2. The public shall have a reasonable amount of time to study and assimilate this new information.
3. The Town Council shall then schedule and conduct a reopened public hearing to receive comments from Durham residents prior to continuing any deliberations.
4. Should the Town Council then opt for dam removal, that the people of Durham have the opportunity to vote on a warrant article to decide the future of the Mill Pond dam and pond.

Respectfully yours,

The DHA Executive Board:

David Strong, President  
Doug Karo, Recording Secretary  
Nancy Sandberg, Museum Curator/Director  
Mary Margaret Jaques, Director  
Jennifer Lee, Director

Janet Mackie, Vice President  
Marjorie Smith, Treasurer  
Joan Graf, Director  
Pam Langley, Director  
Dick Lord, Director



*"The Falls" by John Hatch*

## April Talon

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**From:** Todd Selig  
**Sent:** Friday, February 12, 2021 9:11 AM  
**To:** Joan Graf; Durham Town Council  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Council Meeting February 15 Millpond Dam discussion - Joan and Frank Graf

Dear Joan and Frank,

Thank you very much for this feedback regarding the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate your email as they consider potential alternatives moving forward.

All my 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Joan Graf <jfgraf@earthlink.net>  
**Date:** Friday, February 12, 2021 at 9:04 AM  
**To:** Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Council Meeting February 15 Millpond Dam discussion  
**Resent-From:** <council@ci.durham.nh.us>

Dear Councillors,

As the discussion continues about the fate of the Millpond Dam, we are hopeful that the dam's long history as part of our landscape, back to the mid eighteenth century (1749 to be exact) will be given recognition. The emphasis seems to have been strictly on engineering and technical discussion. The importance of a town's honoring its collective history and historical memory needs to be a priority in discussions. A vote by the citizen's of Durham on the fate of the dam would be prudent.

Thank you for your attention.

Joan and Frank Graf  
360 Durham Point Road  
Durham, NH 03824

## April Talon

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**From:** Todd Selig  
**Sent:** Friday, February 12, 2021 11:50 AM  
**To:** Maggie Stier; external forward for kmarple  
**Cc:** external forward for acorow; nancy.sandberg@comcast.net; April Talon; Richard Reine  
**Subject:** Re: Letter to Durham Town Council re Millpond Dam removal - NH Preservation Alliance  
**Attachments:** Letter February 11-2021.pdf

Dear Maggie,

Thank you very much for this thoughtful feedback regarding the Mill Pond Dam on the Oyster River. I know the members of the Council will appreciate it as they consider potential alternatives moving forward. As always, it is wonderful to hear from you.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Maggie Stier <ms@nhpreservation.org>  
**Date:** Friday, February 12, 2021 at 11:46 AM  
**To:** Todd Selig <tselig@ci.durham.nh.us>, "kittyfmarple@comcast.net" <kittyfmarple@comcast.net>  
**Cc:** Andrew Corrow <andrew\_corrow@yahoo.com>, Nancy Sandberg <nancy.sandberg@comcast.net>  
**Subject:** Letter to Durham Town Council re Millpond Dam removal

Good morning,

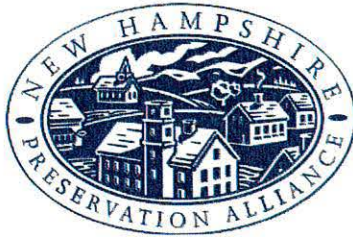
Please find attached a letter from Jennifer Goodman, director of the New Hampshire Preservation Alliance, in support of the preservation of the Mill Pond dam.

We sincerely hope that this wonderful historic resource is not lost.

Thank you,

Maggie Stier, Advancement Projects Coordinator  
NH Preservation Alliance  
PO Box 268, Concord, NH 03302  
603-224-2281 (office)  
603-344-1726 (cell)





February 12, 2021

Todd Selig and Durham Town Council  
Durham, NH 03824  
By email: [kittyfmarple@gmail.com](mailto:kittyfmarple@gmail.com), [tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)

Dear Mr. Selig and Town Councilors:

We understand that a decision about removal of the Mill Pond dam in Durham is scheduled to be made this month. As the statewide membership-based historic preservation organization, we wish to advocate for the preservation of this important landmark.

It is to the town's credit that the pond, homes and green spaces of Durham's Route 108 Historic District remained largely unchanged. This gateway is a defining and much-loved feature of the town, and one of the significant landscapes of the seacoast region.

The Preservation Alliance named the Mill Pond dam to its *Seven to Save* list of important threatened or endangered historic resources in 2010. We applaud efforts that stabilized the dam and allowed it to remain in place as a rare example of its type.

We readily acknowledges that communities should grow and change, but we believe that the Millpond is so valued as a historic resource (in addition to its recreational, scenic, and natural resource qualities) that every effort should be made to assure its protection and continued preservation. We stand ready to assist and support your efforts.

Sincerely,

Jennifer Goodman  
Executive Director

Cc: Andrew Corrow, HDC/HC [andrew\\_corrow@yahoo.com](mailto:andrew_corrow@yahoo.com)  
Nancy Sandburg, Durham Historic Association [nancy.sandberg@comcast.net](mailto:nancy.sandberg@comcast.net)

Feb. 2, 2021

To Durham Town Council  
& Town Manager

I'm writing in regards to your considerations of retaining, restoring, or removing the Durham Fall Dam.

I grew up in Durham where I was schooled from kindergarten through UNH. We lived in Packers Fall, Durham Point and then in Faculty Development. Our family owned sizeable acreage and houses on Great Bay and the family still owns a year-round-home on Durham Point.

From Faculty Development we all trudged through the woods, past the stone chapel to skate on the river and the Mill Pond. The Mill Pond – to kids and adults -- has been a unique and historic space, equal to T-Hall, the Sullivan House, its Monument and other locations.

My professional life was in historic preservation at the local and state levels in New Hampshire. We are all aware of what preservationists think of the Historic Mill Pond Area. Artists, writers, photographers, and just citizens have all been drawn to this site. Several local persons have left land and monies for its upkeep.

I know some have concerns on ecological issues relating to damming rivers – and points can be made and should always be carefully analyzed. But – the Oyster River is not a large river and the Mill Pond area was created well over a century ago. A new ecology has been created and adjusted well in that area. It has become a uniquely beautiful space – just ask the swans!

I respectfully ask the Durham decision-makers to retain the Dam and Mill Pond, and totally rebuild it if necessary. I cannot conceive of driving down to Newmarket Road without that space still intact and part of the Historic District. It deserves preservation on the same level as Jackson's Landing and Wagon Hill Farm.

Respectfully submitted

Robert Chase  
Preservation and Fine Arts Consultant  
PO Box 841  
Franconia, NH 03580  
[art@maine.rr.com](mailto:art@maine.rr.com)  
603-823-5903

## April Talon

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**From:** Bob Chase <art@maine.rr.com>  
**Sent:** Thursday, February 4, 2021 3:12 PM  
**To:** external forward for wburton; external forward for acorrow; thehowl@comcast.net;  
external forward for jlawson; external forward for kmarple; SallyNeedell@gmail.com;  
external forward for stobias; dinnywaters@gmail.com; external forward for cwelsh;  
Durham Town Council; Todd Selig; Jen Berry; April Talon  
**Cc:** David Strong; MaryAnne Chase; Sally Paine Ford; Katherine Wells Wheeler  
**Subject:** letter re: Durham Dam and Mill Pond  
**Attachments:** Durham Dam.docx



## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 15, 2021 1:58 PM  
**To:** bryan@thefreedomcafe.org  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Letter Concerning The Mill Pond Dam Hearing - Bryan Bessette

Dear Bryan,

Thank you very much for this feedback concerning the Mill Pond Dam on the Oyster River. I know the members of the Town Council will consider it carefully along with the other correspondence they receive.

All my 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** "kittyfmarple@gmail.com" <kittyfmarple@gmail.com>  
**Date:** Monday, February 15, 2021 at 1:51 PM  
**To:** Jennie Berry <jberry@ci.durham.nh.us>  
**Cc:** Allan Howland <al.howland.13@gmail.com>, Andrew Corrow <andrew\_corrow@yahoo.com>, Carden Welsh <cardentc2@gmail.com>, Denny Waters <denny.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:** Re: Letter Concerning The Mill Pond Dam Hearing

Thank you Jennie

On Feb 15, 2021, at 1:40 PM, Jen Berry <[jberry@ci.durham.nh.us](mailto:jberry@ci.durham.nh.us)> wrote:

Dear Councilors,

For your information.

Jennie--

*Jennie Berry*

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

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**From:** Bryan Bessette [<mailto:bryan@thefreedomcafe.org>]

**Sent:** Monday, February 15, 2021 1:37 PM

**To:** Jen Berry

**Subject:** Letter Concerning The Mill Pond Dam Hearing

Dear Counselors,

I am writing to express my thoughts on the removal of the Mill Pond Dam. I agree with others who have presented that this decision will benefit the riverine habitat and be a fiscally responsible solution.

As others have shared, removing the dam, will inevitably leave a gap in our community identity and it is to this point that would like to speak.

There is a rich history of folks along the Oyster River utilizing this incredible natural resource to support economic and community development. As we consider removing the dam, I invite you and our community at large to imagine with me a future that provides increased value and benefits for property owners, small businesses and community members; one that furthers the rich history and meaningful enjoyment of the river and Mill Pond area.

As one who spends time on the river and at Old Landing and Mill Pond Parks in every season, I find myself excited about the opportunity we have to increase the accessibility of kayaking, paddle boarding, fishing and other recreational experiences up and down the river. I can imagine a beautiful expanded park along the river with an open community gathering space in the location of the Mill Pond.

I imagine a trail along the river connecting Old Landing Park to Doe Farm via the new pedestrian bridge. Perhaps there could be child friendly exercise stations similar to those available at Tibbetts Field in Madbury at specific locations along the trail. I imagine an open park area at Mill Pond with a pavilion and picnic tables like the one at Three Rivers Park in Lee, creating outdoor space for friends and families to gather and community events to take place. In the winter, this park might be home to an outdoor ice skating rink providing a safe, reliable and free recreational area for youth and neighbors to enjoy. Perhaps the Chili Festival that once took place on the pond could be revived in this new location where gatherings of this size can easily be managed.

I imagine Durham becoming more of a destination where folks stay and play as well as visit, play and patronize our small businesses rather than leaving town for shopping and recreational opportunities elsewhere.

As we consider the removal of the Mill Pond Dam, I believe it is possible for us to preserve the rituals our community loves and also provide a familiar and forward thinking solution that meets the needs of our community and a flourishing ecosystem for years into the future.

Sincerely,  
Bryan Bessette  
Durham Resident & Non-profit Business Director

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 15, 2021 10:45 AM  
**To:** Michael Schidlovsky  
**Cc:** April Talon; Richard Reine  
**Subject:** FW: Letter to Durham Town Council and Town Administrator about Mill Pond Dam Removal - Michael Schidlovsky  
**Attachments:** Letter to Durham Town Council and Town Administrator about Mill Pond Dam Removal.docx

Dear Michael,

Thank you very much for this feedback relative to the future of the Mill Pond Dam on the Oyster River. It is appreciated, and will be considered carefully by members of the Town Council along with other correspondence and feedback received.

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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** Michael Schidlovsky <[mschidlovsky@comcast.net](mailto:mschidlovsky@comcast.net)>  
**Date:** Sunday, February 14, 2021 at 2:35 PM  
**To:** Durham Town Council <[council@ci.durham.nh.us](mailto:council@ci.durham.nh.us)>, Todd Selig <[tselig@ci.durham.nh.us](mailto:tselig@ci.durham.nh.us)>  
**Cc:** Sally Needell <[sneedelltc@gmail.com](mailto:sneedelltc@gmail.com)>, "Christine J. Soutter" <[csoutter@ci.durham.nh.us](mailto:csoutter@ci.durham.nh.us)>, Michael Behrendt <[mbehrendt@ci.durham.nh.us](mailto:mbehrendt@ci.durham.nh.us)>, "dhacurator@comcast.net" <[dhacurator@comcast.net](mailto:dhacurator@comcast.net)>, Ellen Snyder <[ellensnyder1@gmail.com](mailto:ellensnyder1@gmail.com)>, "krebsma@gmail.com" <[krebsma@gmail.com](mailto:krebsma@gmail.com)>  
**Subject:** Letter to Durham Town Council and Town Administrator about Mill Pond Dam Removal.

Please see attached letter.

Thank you for your consideration,

Michael Schidlovsky

100 Newmarket Rd.

Durham, NH 03824  
603-397-7987  
[mschidlovsky@comcast.net](mailto:mschidlovsky@comcast.net)

To: Durham Town Council, Town Administrator and Interested Parties  
From: Michael Schidlovsky, 100 Newmarket Rd., Durham, NH 03824  
Date: Feb 12, 2021  
Subject: Mill Pond and contemplated dam removal.

Dear Durham Town Council and Interested Parties,

I am writing this letter to express my distress about the possible removal of the Mill Pond Dam and the resulting detrimental impact it will obviously have on the long-established Oyster River/Mill Pond ecosystem. I have lived on this body of water for 34 years and have spent countless days canoeing, bird-watching, fishing, hunting, ice skating, snowshoeing, x-c skiing on the impounded Oyster River and the resulting Pond. I have a very keen and intimate knowledge of this extremely rich ecosystem and the many living flora and fauna that were essentially "invited" by the man-made Pond's creation. Those creatures have thrived while making a safe home for themselves for the past hundreds of years.

After the centuries and a number of various forms of dams built to restrict the Oyster River flow to create a water impoundment (Oyster River/Mill Pond) a robust, healthy, balanced and, very active ecosystem has taken a strong hold behind it. Why would we destroy it? The same people who talk about seasonal/temporary vernal pool protection and how sacred these "micro environments" are to a handful of small reptiles, are now proposing the complete destruction of a much, much larger and mature ecosystem, essentially committing much of the wildlife residents and dependents of the impounded Oyster River/Mill Pond to death. Sounds dramatic? You may not witness it because you don't live on the Pond. I will and I foresee both a very "ugly" process and a result we will *all* regret.

Here are just a few of the most obvious creatures that I see regularly on/in the Pond. The lucky ones may "migrate" and try to find homes but we all know, there are fewer and fewer protected environs available to them as we destroy those too. The remaining and most dependent creatures will not stay alive once the water and pond is gone.

To name a few: River Otters, musk rats, beavers, painted turtles, huge snapping turtles, various fish species, snakes, countless migrating water fowl, swans, etc.. Did you know that the Mill Pond has been an active rookery for the Great Blue Heron? I regularly see Bald Eagles, Osprey and all types of hawks and raptors feeding from the Pond. I also see deer, bobcats, coyotes, foxes, fisher cats and have even had a moose years ago stop to feed in the pond below our house.

I respectfully ask you to look at a map and do some contemplation. The impact of the Dam removal will not only remove the water from the Mill Pond it will drain a much larger body of water than just that. Our beautiful, historic Mill Pond is the centerpiece of our community and the area that most people are familiar with as they see it from their cars or walk the sidewalks of the local neighborhoods. This seems to be the focus of all emotion about the issue of dam removal. Please look beyond that. Look up the "backwater" of the River which is almost a 1 mile long "pond" (and where I live). This is many, many times larger than the Mill Pond itself. There will be a lot of intentional destruction of wildlife, loss of recreation, significant impacts on some shorefront property values and truly a huge loss to the community and future opportunities for the Town, if the dam is removed.

There are many, many reasons for my distress about the possible dam removal. There are also many examples of historically regretful things that we may have done locally as Durham has established itself over the years. Maybe the building of the various Oyster River dams over the years was one of them (then again, Durham may have never been established at all?). But, almost 400 years later, as far as I am concerned, the dam has allowed and encouraged a much greater ecosystem to develop than most Durham residents even realize. What gives us the right to destroy that? I am not ready to accept that responsibility and the consequences. In addition, the possible reasons and purposes for dam removal that I have heard do not substantiate what I would see as a very environmentally arrogant, short-sighted and wrong decision by the Town of Durham. We do have alternatives to removal and I strongly recommend we look for those solutions instead.

Thank you for your time and consideration of my input. Please feel free to reach out to me if you have any questions.

Respectfully,

Mike Schidlovsky

[mschidlovsky@comcast.net](mailto:mschidlovsky@comcast.net)

## April Talon

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**From:** Todd Selig  
**Sent:** Monday, February 15, 2021 10:43 AM  
**To:** MaryAnne Chase  
**Cc:** April Talon; Richard Reine  
**Subject:** Re: Mill Pond Dam and Mill Pond - David J. Chase

Dear David,

Thank you very much for this feedback concerning 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](http://www.ci.durham.nh.us)  
He/him/his pronouns

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**From:** MaryAnne Chase <machase111@gmail.com>  
**Date:** Sunday, February 14, 2021 at 3:32 PM  
**To:** Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>, Andrew Corrow <andrew\_corrow@yahoo.com>, Allan Howland <thehowl@comcast.net>, "kittyfmarple@comcast.net" <kittyfmarple@comcast.net>, Common Cause <causenet@commoncause.org>, Dinny Waters <dinnywaters@gmail.com>, Durham Town Council <council@ci.durham.nh.us>  
**Subject:** Mill Pond Dam and Mill Pond

Town of Durham Administrator Selig, Town of Durham Councilors  
Subject: Mill Pond Preservation

My comments below are forwarded with respect to the maintenance and preservation of the Mill Pond Dam. Having grown up in Durham since 1938 when my parents Malcolm and Charlotte Chase, purchased the Stevens Homestead at 177 Durham Point Rd, the Mill Pond was always part of our lives. Skating, picnics, even working at the Peterman Laundry during High School. The Jenkins Mill, which was regrettably lost, made use of the dammed water to power both the grist and a lumber mill. The early dam was of wood construction and the Town thought it important enough to rebuild it when it needed replacing. We are at that point again and it is such an important part of Durham history that we should again repair and preserve it.  
story.

I strongly request that this matter be tabled until further study determines that there are other solutions that will satisfy both historical and ecological interests. Certainly the excellent minds of local citizens, the University of NH and appropriate State Departments can solve this challenge,

David J. Chase  
271 Durham Point Rd.

[chaseco3kw@gmail.com](mailto:chaseco3kw@gmail.com)