

April Talon

From: Peter Walker <PWalker@VHB.com>
Sent: Tuesday, August 10, 2021 3:23 PM
To: April Talon; external forward for sneedell
Cc: Richard Reine; Todd Selig
Subject: RE: [External] RE: Dam Costs

Hi April –

Sally's analysis is correct. For planning and comparison purposes, the five-year initial capital costs for Alternative 3 (without Option 1, Pond Dredge) would be approximately \$1,069,370. For Alternative 5 (with Option 2, Active Channel Restoration) the comparable cost would be \$1,443,350.

Pete

Peter J. Walker
Principal, Environmental Services

P 603.391.3942
www.vhb.com

From: April Talon <atalon@ci.durham.nh.us>
Sent: Monday, August 9, 2021 9:18 AM
To: external forward for sneedell <sneedelltc@gmail.com>
Cc: Peter Walker <PWalker@VHB.com>; Richard Reine <rreine@ci.durham.nh.us>; Todd Selig <tselig@ci.durham.nh.us>
Subject: [External] RE: Dam Costs

Hi Sally – you are very welcome. We will take a look at this, thank you!

April

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

From: Sally Needell <sneedelltc@gmail.com>
Sent: Sunday, August 8, 2021 4:29 PM
To: April Talon <atalon@ci.durham.nh.us>
Subject: Dam Costs

April,

I apologize for not sending my comments sooner. One aspect of the dam in/out is the relative costs. Please take a look at my "calculations" and let me know if I am on the right track or forgetting to include any major expenses.

Thank you! Sally N.

7. Both the restoration and removal of the dam will be costly. Without the dredging of the pond accompanying restoration, the costs are more similar to those for dam removal. VHB reminds us that the costs they have suggested are for relative comparison and not exact figures. I used the cost figures from the feasibility report and eliminated the expenses of dredging that were in the original alternative 3.

For Restoration without dredging it looks like the costs of dam restoration would be approximately \$913,000 plus \$65,000 for the notch, and \$91,370 for mitigating invasive growth for a total of \$1,069,370 plus operation and maintenance expenses, unknown costs associated with continuous improvement of water quality in the pond and impoundment, and the cost of dam replacement in 50 years.

Removal of the dam would cost \$1,314,000 plus \$129,350 for invasives, for a total of \$1,443,350 that may be reduced with grant funding.

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April Talon

From: Eric Hutchins - NOAA Federal <eric.hutchins@noaa.gov>
Sent: Tuesday, August 24, 2021 7:35 AM
To: Carden Welsh
Cc: April Talon
Subject: Re: Oyster River Dam

Good morning Cardena and April. I can certainly understand people raising questions about the pros and cons to fish when they envision such a change in the wetted surface between the alternative with the dam in and out. However, from a native diadromous fish perspective I can confidently state that the benefits to river herring and rainbow smelt will only be improved in the short and long run with the dam removed and the natural stream restored. The habitat quality for these species is currently quite poor and without restoration of natural fluvial processes (movement of sediment) of the restored river, the conditions will only worsen over time. The presence of a dam located directly at the head of tide is also about as bad of a location as could exist, especially with respect to increasing sea level rise in near term. The Oyster River above the dam might lean more towards habitat for blueback herring instead of alewife since blueback herring generally prefer flowing stretches of river for spawning as compared to alewife that prefer more stationary impoundments. As evidenced at the Taylor River impoundment just upstream of Rt 95 in Hampton...neither species prefers long term conditions of a shallow water and eutrophic dammed stream. Rainbow smelt spawn at the head of tide and will pretty much never use a fish ladder due to their inability to navigate the high velocities in a fish ladder. So no matter what happens with river herring....one thing is for sure is that rainbow smelt spawning habitat will slowly be eliminated below the dam if it remains and the smelt will not be able to get upstream.

I realize this is a tough decision. I certainly respect abutters value of the impoundment, but from an ecological value to aquatic resources of national interest, removal of the dam is our preferred alternative.

P.S. One thing that will likely work to Durham's benefit if you choose to remove the dam is what is slowly emerging as significant funding streams through NOAA and other agencies to help towns remove dams in an effort to decrease liability while enhancing trust resources. Hopefully we'll hear solid news out of Washington on this very soon. Feel free to give me a call if you'd like to discuss some upcoming funding opportunities that are expected to be announced as early as September that could support removal of the Mill Pond dam.

On Mon, Aug 23, 2021 at 3:57 PM Carden Welsh <cnwelsh@me.com> wrote:

Dear Eric,

Thank you very much for your letter of February 3 supporting the removal of the Oyster River Dam in Durham New Hampshire. I am a member of the Durham Town Council, and we will have to decide upon this issue next month. We have received some additional information from our consultants, which I have attached for your perusal.

The key thing that concerns me in their report is the very low water levels that will result in the former pond, impoundment, river and brook if the dam is removed. If you take a look at pages 33-35 you will see that if the dam is removed the maximum and average depth of the water body will be substantially diminished, particularly during the low summer months (note that the depths are at low tide, and that at least the pond section may well be impacted by the tide). Considering this, I was wondering whether you still anticipate that removal of the dam will be helpful for the rainbow smelt, bluebacks, and alewives.

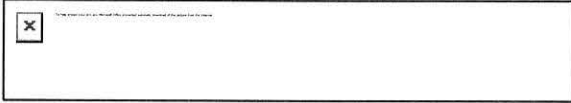
Thank you for sharing your expertise on this. The opinions of NOAA are very important to us.

Best,

Carden Welsh
Durham Town Council

--

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



April Talon

From: Charles DeCurtis <charles.decurtis@TNC.ORG>
Sent: Tuesday, August 24, 2021 12:29 PM
To: Carden Welsh
Cc: April Talon; Jim OBrien
Subject: RE: Oyster River Dam

Hi Carden,

It is not unexpected that the pond, which by the way is now covered in algal growth, will be reduced in depth at low tide and during dry periods over the summer. But during drought periods, which have been more frequent lately, you also see a reduction in the ponds depth. With tidal flows, you will at the very least have the high tide amplitude of depth. Regarding the impact on migratory fish species, such as the Rainbow Smelt, this is not an issue. Rainbow smelt, for example, spawn in late winter to very early spring with phenology shifting even earlier due to climate change induced temperature anomalies. Typically, rainbow smelt will run in late February to April for spawning. Also, there is a concern with the pond in its current state and with no tidal flushing that you have the possibility of dangerous green-blue algal blooms. They can be toxic and deadly to dogs and people, especially children and older adults. Returning the river to its natural state will have far more positives than negatives. In fact, I can think of no negatives other than the perceived lost of a landscape fixture. Regarding the pond and it's use, would you canoe it in the current state? There are many risks associated with keeping the dam. There are many more positives for the community, both natural and human, with removal.

I will be happy to follow up with any further questions you might have.

Best,
Charles

Charles DeCurtis, Ph. D.

Freshwater Program Manager

charles.decurtis@tnc.org

Ofc :603.224.5853 x227

Cell: 610.790.3234

Fax: 603.228.2459

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



nature.org/newhampshire

Join the conversation!



From: Carden Welsh <cnwelsh@me.com>
Sent: Monday, August 23, 2021 4:55 PM
To: Charles DeCurtis <charles.decurtis@TNC.ORG>
Cc: April Talon <atalon@ci.durham.nh.us>
Subject: Oyster River Dam

Hi Charles,

Let me introduce myself. I am Carden Welsh, a member of the Durham Town Council, and as you may know, we still have not decided upon the fate of the Oyster River Dam. It has been quite awhile since your presentation to the council, and in the interim we have asked for and received some additional information from our consultants, which I have attached for your perusal.

The key thing that concerns me in this report is the very low water levels that will result in the former pond, impoundment, river and brook if the dam is removed. If you take a look at pages 33-35 you will see that if the dam is removed the maximum and average depth of the water body will be substantially diminished, particularly during the low summer months (note that the depths are at low tide, and that at least the pond section may well be impacted by the tide). Considering this, I was wondering whether you still anticipate that removal of the dam will be helpful for the rainbow smelt, bluebacks and alewives. Also, will this impact other environmental and ecological benefits expected from removing the dam?

Thank you for sharing your expertise on this; we very much respect the opinion of The Nature Conservancy.

Best,

Carden Welsh
Durham Town Council

April Talon

From: Dionne, Michael <Michael.A.Dionne@wildlife.nh.gov>
Sent: Tuesday, August 24, 2021 1:03 PM
To: external forward for cwelsh; Atwood, Robert
Cc: April Talon
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

Hi Carden,

Despite a potential decrease in spawning habitat, I cannot stress the importance of voluntary egress for river herring enough. When juvenile herring attempt to migrate from the Mill Pond Impoundment it is likely due to poor water quality. The dam blocks connectivity to the estuary below and leads to increased mortality, reduced growth, etc. which in turn leads to the low numbers of returning fish we have seen in the last decade.

Mike Dionne
Marine Biologist

NH Fish and Game Department
225 Main St. Durham, NH 03824
(603) 868-1095, michael.dionne@wildlife.nh.gov

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

From: Carden Welsh <cardentc2@gmail.com>
Sent: Sunday, August 22, 2021 4:51 PM
To: Atwood, Robert <Robert.L.Atwood@wildlife.nh.gov>; Dionne, Michael <Michael.A.Dionne@wildlife.nh.gov>
Cc: April Talon <atalon@ci.durham.nh.us>
Subject: Re: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

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Hi Michael and Robert,

As you may know, we still have not decided upon the fate of the Oyster River Dam, and have asked and received some additional information from our consultants, which I have attached for your perusal.

The key thing that concerns me in this report is the very low water levels that will result in the former pond, impoundment, river and brook if the dam is removed. If you take a look at pages 33-35 you will see that if the dam is removed the maximum and average depth of the water body will be substantially diminished, particularly during the low summer months (note that the depths are at low tide, and that at least the pond section may well be impacted by the tide). Considering this, I was wondering whether you still anticipate that removal of the dam will be helpful for the rainbow smelt, bluebacks and alewives.

Thank you for sharing your expertise on this.

Best,

Carden Welsh
Durham Town Council

> On Jan 19, 2021, at 8:04 AM, Atwood, Robert <Robert.L.Atwood@wildlife.nh.gov> wrote:

>

> Hi Carden,

> I answered the questions dealing with rainbow smelt and eels.

>

> - What is the change in American eel runs over the last several years? I know there has been an effort by UNH extension to count the returning eels.

> *The YOY eels returning to the Oyster River have declined significantly since we started monitoring in 2014. We also count YOY eels at the Lamprey River. The YOY eels at the Lamprey River have not showed the same declining trend seen at the Oyster River and in 2020 the count of YOY eels was in the top 5 largest catches in the 20 year time series.

>

>

> - Would the river likely regain a rainbow smelt run if the dam is removed?

> *This is probably another question better answered by Robert, however I think smelt would respond well to dam removal. They likely will have access to additional habitat with dam removal. Also increased water quality will likely be beneficial to egg survival during incubation. After the dam was removed at the Winnicut River the smelt numbers increased drastically from less than a few dozen to near a thousand. The catch at the Squamscott River was also time series high after the dam removal.

>

> -

> - Given the expected decline in depth, would dam removal/channel reconstruction help or hurt the number and survival of catadromous fish?

> *Robert can speak about eels regarding this. I think my response above covers river herring. Bluebacks are more riverine so should benefit. The small number of alewives that run here should still be able to find stretches of slack water to spawn in. YOY eels and rainbow smelt would benefit from improved water quality.

>

> Let me know if you have any other questions regarding rainbow smelt and eels. Annual reports regarding eels, smelt, and river herring can be found at the following link

[https://urldefense.com/v3/ https://www.wildlife.state.nh.us/marine/projects.html ;!!Oai6dtTQULp8Sw!HSTGOuXXE04OrEvzuVjz17vydjSrwlQpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w FISQAmlC7\\$](https://urldefense.com/v3/https://www.wildlife.state.nh.us/marine/projects.html;!!Oai6dtTQULp8Sw!HSTGOuXXE04OrEvzuVjz17vydjSrwlQpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w FISQAmlC7$)

>

> New 2020 reports should be available in the next few months.

>

> Thanks,

>

> Robert

>

>

>

> Robert Atwood

> Biologist

> NH Fish and Game Dept.

> 225 Main Street

> Durham, NH 03824

> 603-868-1095 (o)

> 603-868-3305 (fax)

>

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

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> From: Dionne, Michael

> Sent: Sunday, January 17, 2021 10:00 AM

> To: Carden Welsh; Atwood, Robert

> Cc: April Talon

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

>

> Hi Carden,

> Thanks for reaching out with more questions. I'll do my best to answer them below.

>

> - What is the change in American eel runs over the last several years? I know there has been an effort by UNH extension to count the returning eels.

> *This is probably better answered by Robert.

>

> - Does anyone keep track of sea lamprey runs? How large do you think this run is?

> *Yes we count lamprey each year. Typically it's 100-500 lamprey we pass upstream each year.

>

> - Would the river likely regain a rainbow smelt run if the dam is removed?

> *This is probably another question better answered by Robert, however I think smelt would respond well to dam removal. They likely will have access to additional habitat with dam removal. Also increased water quality will likely be beneficial to egg survival during incubation.

>

> - Is there any realistic possibility of the river gaining a shad run if the dam is removed?

> *Probably not. Shad usually need a larger river system.

>

> - How effective is the current fish ladder, in the opinion of fish and game? What ballpark percentage of river herring (blueback and alewife)/eels (both lamprey and American) get through compared to an open river?

> *We have never studied how effective the Oyster fishway is. However, due to its small size it is likely very effective. We would easily see fish below the fishway during our daily visits if any were struggling to ascend it.

>

> - Given the expected drastic decline in depth throughout the prior Mill Pond area if the dam is removed, will the river herring and any other anadromous fish be able to effectively spawn every year? Where would this spawning likely be done in the much shallower waters?

> *Since this run was typically dominated by blueback herring it is likely they have always spawned in the more riverine sections upstream of the impoundment. This habitat type may actually increase with dam removal. The biggest advantage to removal is the ability for the juveniles to escape to the estuary more easily.

>

> - Given the expected decline in depth, would dam removal/channel reconstruction help or hurt the number and survival of catadromous fish?

> *Robert can speak about eels regarding this. I think my response above covers river herring. Bluebacks are more riverine so should benefit. The small number of alewives that run here should still be able to find stretches of slack water to spawn in.

>

> - Will the fresh water breeding areas, which seem to be mainly in the middle impoundment area, remain if the tidal impact after dam removal grows to the expected 2250 feet?

> *River herring will likely spawn upstream of the tide. However, they can successfully spawn in water with low salinity. This is how they survived in low numbers spawning below dams prior to fishway construction.

>

> - Is the Wiswall dam fish ladder the same type as the Mill Pond ladder? If not, what percentage of returning fish make it up the ladder?

> *Yes it is a 4' Denil. The extra width makes it more attractive to shad passage on the larger Lamprey river system. The fish few years of operation it passed roughly 25-40 percent of the fish that were counted in Newmarket. We met with USFWS specialists that made some recommendations to improve passage. Since those improvements that fishway passes 90-95 percent of fish that pass Newmarket.

>

> - You mentioned a "migration notch" in the Wiswall Dam that provides better downstream passage for fish. What are the pros and cons from a fisheries perspective? Does it allow for a significant increase in the fish runs? How would it compare, in terms of benefit to the fisheries, with dam removal and channel reconstruction? If such a notch, or other downstream adjustment, were added to the Mill Pond Dam, how much would this likely improve the size of the fish run?

> *Yes the notch provides for passage when spill is minimal. We have no idea how much it helps, certainly more in a low flow year. We don't witness fish stuck above that dam very often so it is definitely effective. If the Mill Pond Dam were to stay we would love to see some sort of downstream passage system designed there.

>

> - If we keep the Mill Pond Dam and add a fish ladder to the upstream Oyster River Reservoir Dam, what percentage of fish could likely get through both fish ladders?

> *No way to know for sure. We would strive to make it as effective as Wiswall is on the Lamprey.

>

> - Any idea of the likelihood of the Oyster River Reservoir Dam getting a fish ladder, and when?

> *We are very early in that process. It has been looked at by USFWS passage specialists and they feel it's a great candidate for passage.

>

> - Any idea of the likelihood of the Oyster River Reservoir dam being removed, and when?.

> *Who knows, but being a water supply dam it is unlikely unless the Town finds an alternative water supply.

>

> Any other questions feel free to ask.

>

> Mike Dionne
 > Marine Biologist

>

> NH Fish and Game Department
 > 225 Main St. Durham, NH 03824
 > (603) 868-1095, michael.dionne@wildlife.nh.gov

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[https://urldefense.com/v3/http://www.facebook.com/nhfishandgame ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwIQpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w FIVzX-YfC\\$](https://urldefense.com/v3/http://www.facebook.com/nhfishandgame ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwIQpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w FIVzX-YfC$)

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> From: Carden Welsh <cardentc2@gmail.com>

> Sent: Friday, January 15, 2021 12:50:53 PM

> To: Dionne, Michael; Atwood, Robert

> Cc: April Talon

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

>
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> _____

> Hi Michael and Robert,

> Thanks for your answers to my previous questions. I am attempting to get a better understanding of what dam removal (and channel reconstruction) will do to the runs of anadromous and catadromous fish in the river. What are we most likely to experience? Hence, could you please take your best shot at answering these questions? I know that you don't have all the answers and may be hesitant to respond without data, but your opinions, as experts are welcome. If you know of a better place to get the answer to any specific question, please advise.

> Thank you for all of your time and effort.

> Best,

> Carden Welsh

> Durham Town Council

> -----

>
> - What is the change in American eel runs over the last several years? I know there has been an effort by UNH extension to count the returning eels.

>
> - Does anyone keep track of sea lamprey runs? How large do you think this run is?

>
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>
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>
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>
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> - Is the Wiswall dam fish ladder the same type as the Mill Pond ladder? If not, what percentage of returning fish make it up the ladder?

>
> - You mentioned a "migration notch" in the Wiswall Dam that provides better downstream passage for fish. What are the pros and cons from a fisheries perspective? Does it allow for a significant increase in the fish runs? How would it compare, in terms of benefit to the fisheries, with dam removal and channel reconstruction? If such a notch, or other downstream adjustment, were added to the Mill Pond Dam, how much would this likely improve the size of the fish run?

>
> - If we keep the Mill Pond Dam and add a fish ladder to the upstream Oyster River Reservoir Dam, what percentage of fish could likely get through both fish ladders?

>
> - Any idea of the likelihood of the Oyster River Reservoir Dam getting a fish ladder, and when?

>

> - Any idea of the likelihood of the Oyster River Reservoir dam being removed, and when?

>

> On Jan 13, 2021, at 8:43 AM, Dionne, Michael

<Michael.A.Dionne@wildlife.nh.gov<mailto:Michael.A.Dionne@wildlife.nh.gov>> wrote:

>

> Hi Carden,

>

> At Mill Pond dam the only way for fish to get out is to simply drop over the spillway. A little background on the fish there, river herring (which includes both alewives and blueback herring) and sea lamprey are anadromous. That means they spend most of their lives at sea but need to return to freshwater to spawn. When adults return in the spring they usually find a good place to spawn within a week or two and head back to the estuary. This usually isn't a problem in the spring with the higher flows. The young they bear remain in the impoundment growing until late-summer/early-fall then they too drop over the spillway. Since they remain in the impoundment all summer two things are very critical to their success: good water quality resulting in high levels of oxygen and enough flow over the spillway for them to get out when they need/want to.

>

>

> Sea lamprey also return in the spring to spawn. They build a nest, called a redd, out of small rocks and spawn in pairs. They die after spawning like Pacific salmon. Their young remain in the river/impoundment for 3-7 years before dropping over dam to return to the sea.

>

>

> American eel are catadromous, meaning they live in freshwater and leave the river to go to sea to spawn. Each spring/summer very small juvenile eels return to the river to grow to adulthood. They aren't strong enough to use the fishway, however are small enough to climb/crawl over any surface that is damp, including land in rare occasions. Adult eels live in freshwater for many years before also dropping over the dam to return to the sea to spawn.

>

>

> Rainbow smelt are also an anadromous fish, but are very weak swimmers. Smelt do not use the fishway. They usually ride the tide upstream as far as they can to spawn in late-winter/early-spring. Their eggs are very sensitive to poor water quality. Smelt would really stand to benefit from removal of the dam by the increased water quality and it sounds like according to the VHB study an increase in spawning habitat with the tide running upstream of the current dam footprint. Robert can speak to this better than me, but rainbow smelt have really responded well in the Winnicut River in Greenland after a NHFG owned dam was removed there in 2009. It has become one of our most productive rivers for smelt.

>

>

> If the dam were to stay NHFG would love to see some type of downstream passage provided there. When Durham constructed the fishway at Wiswall Dam back in '11/'12 a downstream migration notch was built on the right side opposite of the fishway. When flows over the spillway are less than 3" boards can be pulled in the migration notch to give downstream passing fish a low spot in the dam to pass through. Another type of downstream passage is provided at the Cocheco Falls Dam in Dover. There is a large pipe cast into the spillway. This pipe has a box connected to it in the impoundment that can be opened to provide passage for fish.

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> Any further questions feel free to ask!

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>

> Mike Dionne

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> Marine Biologist

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>
> NH Fish and Game Department
>
> 225 Main St. Durham, NH 03824
>
> (603) 868-1095, michael.dionne@wildlife.nh.gov<mailto:michael.dionne@wildlife.nh.gov>

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[https://urldefense.com/v3/ http://www.facebook.com/nhfishandgame ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwIqPYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w F1VzX-YfC\\$](https://urldefense.com/v3/ http://www.facebook.com/nhfishandgame ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwIqPYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w F1VzX-YfC$)
<[>https://urldefense.com/v3/ http://www.facebook.com/nhfishandgame*/nhfishandgame__!w!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwIqPYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w_F1Sh5tC4n\\$](https://urldefense.com/v3/ http://www.facebook.com/nhfishandgame ;!!Oai6dtTQULp8Sw!EJ0vUjA88jNA9M8VKosi9s3KkpzWz6eYgf e8Q7pYZ3my6i5BjKG5DTbFnTGS1vGefb SwFdF DKw$)
<[>>](https://urldefense.com/v3/ http://www.facebook.com/nhfishandgame*/nhfishandgame ;!w!!Oai6dtTQULp8Sw!EJ0vUjA88jNA9M8VKosi9s3KkpzWz6eYgf e8Q7pYZ3my6i5BjKG5DTbFnTGS1vGefb SwAEgNzNg$)

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

>
>
>
>
>
> From: Carden Welsh <cardentc2@gmail.com<mailto:cardentc2@gmail.com>>
> Sent: Tuesday, January 12, 2021 3:35 PM
> To: Dionne, Michael
> Cc: Atwood, Robert
> Subject: Fwd: Mill Pond Fishway - an email from Michael Dionne responding to statement from Larry Harris

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

>
> _____
> Hi Michael,

>
> Let me introduce myself; I am Carden Welsh and am on the Durham town council and will have to make a decision regarding dam removal. Regarding the ladder, how would the young fish (eels, alewife, herring, lampreys) get back to the ocean? Do they wash over the dam in the spring?

>
> Also, do you know if there are any other species, in addition to those listed above, that use the fish ladder? Someone

mentioned rainbow smelt last night.

>

> I have ccd Robert because I met him while counting eels at the "eel ladder" and he also seems knowledgeable about the river and the ladder.

>

> Thanks,

>

> Carden Welsh

>

> Begin forwarded message:

>

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

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

> Date: January 12, 2021 at 11:14:09 AM EST

> To: Undisclosed recipients;;

>

>

>

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

> Date: Tuesday, January 12, 2021 at 11:13 AM

> To: "Dionne, Michael"

<Michael.A.Dionne@wildlife.nh.gov<mailto:Michael.A.Dionne@wildlife.nh.gov><mailto:Michael.A.Dionne@wildlife.nh.gov>>

> Cc: April Talon <atalon@ci.durham.nh.us<mailto:atalon@ci.durham.nh.us><mailto:atalon@ci.durham.nh.us>>, Richard Reine <rreine@ci.durham.nh.us<mailto:rreine@ci.durham.nh.us><mailto:rreine@ci.durham.nh.us>>

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

>

> Dear Michael,

>

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

>

> Todd

>

> Todd I.

Selig<[https://urldefense.com/v3/ https://www.ci.durham.nh.us/administration ;!!Oai6dtTQULp8Sw!GyR0Ue2e7bu1fu_kLmolylwnkKEHyiey-9l1D_ib7t2jBRkf85W8CzXdhRwloVugVLw0UoUulRA_ \\$](https://urldefense.com/v3/ https://www.ci.durham.nh.us/administration ;!!Oai6dtTQULp8Sw!GyR0Ue2e7bu1fu_kLmolylwnkKEHyiey-9l1D_ib7t2jBRkf85W8CzXdhRwloVugVLw0UoUulRA_ $)>, Administrator

> Town of Durham, NH

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

> t: 603.868.5571 | m: 603.817.0720 | w:

[https://urldefense.com/v3/ http://www.ci.durham.nh.us ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwlpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w_Flblysq8E\\$](https://urldefense.com/v3/ http://www.ci.durham.nh.us ;!!Oai6dtTQULp8Sw!HSTGOuXXEO4OrEvzuVjz17yvdjSrwlpYLw0miB41kXd0XR6wv8Dx30V8J-xRb2E6w_Flblysq8E$)

<[> He/him/his pronouns](https://urldefense.com/v3/ http://www.ci.durham.nh.us ;!!Oai6dtTQULp8Sw!EJ0vUjA88jNA9M8VKosi9s3KkpzWz6eYgfe8Q7pYZ3my6i5BjKG5DTbFnTGSivGefb_SwKv13EiU$><https://urldefense.com/v3/ http://www.ci.durham.nh.us/ ;!!Oai6dtTQULp8Sw!GyR0Ue2e7bu1fu_kLmolylwnkKEHyiey-9l1D_ib7t2jBRkf85W8CzXdhRwloVugVLw0UmA0HaFm$></p></div><div data-bbox=)

>

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

> ---

>

>

> From: "Dionne, Michael"

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

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

> Subject: Mill Pond Fishway

>

> Hi Todd,

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

>

> Thanks, Mike Dionne

>

>

>

>

>

April Talon

From: Todd Selig
Sent: Tuesday, August 24, 2021 5:59 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond dam (and waterbody impounded by it) - correspondence from Diane Freedman

Dear April and Rich,

For your information.

Todd

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

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Diane Freedman <Diane.Freedman@unh.edu>
Date: Saturday, August 14, 2021 at 12:57 AM
To: Durham Town Council <council@ci.durham.nh.us>
Subject: Mill Pond dam (and waterbody impounded by it)
Resent-From: <council@ci.durham.nh.us>

28 Laurel Lane
Durham NH 03824
Subject: Oyster River/108 Dam

Dear Town Council Members,

I apologize for not writing in the immediate aftermath of the sharing of the supplemental report from VHB, but I was out of the country, and the report is 187 pages of technical reading. Bravo to you for reading and rereading it along, I trust, with letters sent to you from citizen scientists and concerned others.

My takeaway from the supplemental report and the earlier discussions and cache(s) of letters I will try to summarize below.

*

Removing the dam will not solve the problems of the watershed. And the problems of the watershed at large are responsible for the problems of the Mill Pond. Not the dam itself.

I said at an earlier meeting “isn’t it pretty to think so?” when visions of a big two-hearted river (I’m playing with Hemingway here) danced in people’s heads. There is just not enough water in our part of the river to make for, well, a river.

Removing the dam will not even much help the herring.

It will certainly disrupt, displace, and destroy the population of mammals, amphibians, reptiles, fish, birds, and insects reliant on the 450-year impoundment.

The plan for invasive plant control post removal is inadequate as well as only for a very limited portion of the current impoundment, which would live the Hamel Brook dwellers and users not only with loss of their resource but many new nuisances.

Option #5 (dam removal with channel shaping) will not save the Town money over option #3.

The aftermath will be nothing like what it might have been like eons ago. Too much has changed. Too much is irreversible. Even the much larger Exeter river is still classified as an impaired water body by DES after the removal of its dam.

As the report reveals, there will not be enough pools of enough depth for the freshwater part of the herring life cycle if the impoundment goes away. The numbers are not as helpful to a reader as a sketch might be, but I take these from the report (and daresay the water ribbon width, depth, and flow will annually be even less—which I take from personal observation and recorded observations by Jerry Olson, Larry Harris, and Phylis Heilbronner, among others, during prior drawdowns and during low-water times generally):

“In times of median flow, the current pond width would shrink from 514 to about 32 feet. During the summer low flow conditions, the river width would decrease from 449 to 17 feet.”

“Under median annual flows, average river width [in the area just above Mill Pond] ...would decrease from about 91 to 41 feet,” under summer flow, under summer flow, from current “89 to 36 feet,” and in drought from current “88 to 34 feet.”

“The impounded portion of Hamel Brook would be significantly affected by dam removal. Under median annual flow conditions, the top width of the impounded portion of Hamel Brook would decrease from about 135 feet to 18 feet. As flows become smaller, the effect of dam removal would be even more pronounced. . . . under low flow and drought conditions, Hamel Brook width would decrease from about 134 feet to [4-7] feet . . . “

Without the current volume and expanse of water, muskrat, otter, beaver, mink, kingfisher, cormorant, heron, osprey, painted turtle, snapping turtle, at least three species of frogs, bass, sunfish, perch, wood ducks, mallards, dragonflies, and so many more will not thrive as they do—and we need them for population and for diversity *not to mention mosquito control* (it is truly amazing how few mosquitoes there are in the open area and abutting land).

The Town also now relies upon the large and lengthy water body to keep the seeds now in under it from propagating. While the report evinces uncertainty about how long the seeds of glossy buckthorn can survive under the water (that is, whether after a time they are nullified). Natural resources expert Tom Lee and the lived experience of locals, which includes times of drawdown and island emergence, demonstrates that they WILL propagate in a situation referred to by VHB as “dewatering.” There is buckthorn on the islands now. Lived experience also reveals how difficult it is to deal with quantities of invasive plant matter (witness all the purple loosestrife not only having its way with Wagon Hill Farm but on the UNH campus, that supposed exemplar of

sustainability, just as examples, alas). It has been our luck that the water in the impoundment itself has done a great job in tamping down the explosion.

If there are (unnavigable by foot) mud flats instead of water, there will not only be thickets of humanly impassible invasive plants (and a cutting off open views) but an increase, as mentioned, of mosquitoes and also ticks and deer and mice, which, again, the current expanse of water keeps from abutters and waterway users but also keeps from adding to the general population of pests. Too many people think only of the small river portion and forget above it, Hamel Brook (recall Dennis Meadows' slide show at one public forum, with its banner, "Don't forget Hamel Brook!").

The water may not at present be as oxygenated all the time as one might hope (and that should continue to be worked at), but UNH biologist Jim Haney reports that the algae is everywhere. That is, the situation is neither wholly caused by the dam nor remediated by taking out our small dam (in the context of what is going on upstream of it). Indeed, this summer algae bloomed even at Rye Beach, Swain's Lake, and Bow Lake. Without more flow upstream (coming downstream), removing our dam will disappoint its advocates while destroying all the creatures, activities, history, and property values written about here and elsewhere.

The impoundment is an asset by keeping down the buckthorn, poison ivy, and loosestrife while it preserves the community resource of a vast open space (always considered a community good) and used, for centuries, for skating, skiing, walking, snowshoeing, boating, community gathering –and no-carbon-footprint transportation to Town and UNH trails–generally.

Again, those activities as well as the view of the waterfall from Newmarket and Mill Pond Roads have been a delight, tourist and student attraction, and basically iconic images of Durham for centuries. Even before the Ambursen Dam was added and later put on the federal and state registries of historic structures, there has been a dam–and delight in it not just as a working structure but aesthetically and for community gathering–in Durham history.

There is missing water flow data, daily water already available data. That would help with when notching or dam-opening would be most useful and also demonstrate how much the much taller UNH dam is choking off the big Oyster River from the Town tiny stub of it. Averages for blocks of time do not provide the kind of picture and information needed to accurately assess what removal or opening or notch of the UNH dam might do for water flow and quality. See Janet Mackie's several clear and thoughtful letters and important questions on this subject.

The report mentions a method of plant removal (*harvesting*) that will not work with or without dam removal because it requires water depth suitable for a certain kind of boat and its machinery.

I am not sure why the report does not explore an obvious solution, and one that avails itself only if the dam is kept: invasive plant removal in winter, when the thick and flat enough ice covering the impoundment can permit a variety of machinery or persons with hand tools to cut down glossy buckthorn, open up winter and summer passage, and slow down the eutrophication process. Town folks have driven large snow-removal equipment on the ice for years so why not woody-plant removing equipment? Such a method would help the WHOLE impoundment whereas dam removal, channel reshaping, and plant management would cover only a very small area (and provide a very small area of "river" not supportive of the imagined population of herring and ground fish and the richness of fauna and flora now in and around the full length of the impoundment).

Moreover, the report implies that the boat-based *harvesting* of a two-acre pond would be out-of-the-question too expensive (30K to start, 1-2K annually for upkeep), a figure very reasonable in comparison to the cost of channel reshaping (i.e. dredging) and the unknown of finding a place to deposit the dredging materials as well as how much river material will go down to Great Bay and beyond with the inevitable (as mentioned in the

earlier report) mobilization of sediment. Most reasonable is using the pond to keep down invasives and also provide a frozen surface from which to reach and reduce them over successive winters.

Why was but one method of *pond aeration* explored when there exist several others?

Why does the supplemental report generally not go beyond citizen suggestions and even with those not cite any literature or manufacturers or array of costs for different types? Was it not the charge to VHB to look for solutions?

We wonder why *barley hay* (in a chart of ranked or dismissed solutions) was simply dismissed as “experimental” when it has been around for decades. No literature was cited, no manufacturers or suppliers.

While anyone can believe that historically sewage and College-Brook originating chemicals leaked into the impoundment, why does VHB not acknowledge the improvements new systems or the additional of city sewer lines confer? Why can't the Council try and exert some more influence on the planning department and zoning board to ensure that no or few impervious surfaces are added to the Town, that gravel or bricks are used instead of asphalt in Town parking lots, that buffers are maintained (and even extended) for College Brook and any feeder sources to the Oyster River and above, that there is minimal to no use of salt on Town-maintained roads, that road sand and/or that salt are removed promptly in the spring at the earliest possible opportunity?

The report, like its predecessor, refers to the possible difficulty of getting a permit to dredge, should the Town wish to (while keeping the dam). Why is there no definitive answer from DES? And if the Town accepts responsibility for the dam, thus exempting it from state oversight and eliminating the hazard label (which could also be removed with a waiver from the one abutter whose property might be affected were the dam to fail—at least there is no conclusive evidence that such a waiver wouldn't be granted), would it even need a permit to dredge but a fourth of the impoundment or less?

What is the evidence that there won't be indigenous artifacts uncovered with dam removal and where is the projecting of costs for the process of dealing with such and delaying for such?

Is it necessarily true that any form of dam notching requires a catwalk? Surely there must be a variety of methods for increasing flow—perhaps a one-time (permanent) notch or several so there is always an effort to have a bit more water flow over the dam(s)?

Sampling was reported having been done on the impoundment. But it appears no sample was drawn from the widest portion of the Hamel Brook area, unless I am mistaken. I am concerned that the conclusions as to oxygenation and water quality are therefore flawed. I also notice many of the studies cited are nearly a decade old.

The supplemental report dismisses some kinds of water-quality intervention because there is “no evidence” of “stratification.” Is there in fact evidence of non-stratification, or was no appropriate testing and study undertaken? The language, anyway, suggests a less than thorough exploration of the options dependent on moving layers of water.

What data supports the speculation that salt water will flow any significant distance and for a significant enough time to help with post-dam removal invasive-plant control? That sounds dubious, because even without a dam there is an arrangement of rocks at an incline, a drop in the river, a difference in elevation—that VHB has said would not be removed. Moreover, calling out this possibility only underscores how much the studies ignore the full consequences of no water in the half to three-quarter miles of current impoundment ABOVE where the Oyster River comes into the impoundment.

If one reads the two reports carefully, not to mention citizen-scientist and concerned others' letters, it is clear that the Town loses a great deal more by focusing exclusively on the very small river portion over which the Town might exert control and ignoring the acres of the middle and upper impoundment, the areas most used and treasured by the citizenry after the waterfall and dam themselves, by ignoring the unlikelihood of achieving a freely flowing deep-enough, "impairment"-free river by removal of our small dam on our small (and dammed elsewhere) river.

Why not stabilize the dam and keep working on the under-explored options and manufacturers (and surely more will come onto the market or into use) as well as the owners and users of the areas and dams upstream of the Oyster River (both on the river and on and above Hamel Brook)?

Finally, If the abutters own into the middle of the pond, might not they have a legal case against the Town if their rights are taken away for the continued enjoyment of that for which they purchased (and for which they pay taxes) on their properties—that is, water views and use?

Because it is late and this is late and I am laboring under a variety of time conflicts, this letter and I ask your indulgence. I am so sorry it is so choppy. But it is sincere!

With all best wishes and deepest thanks for your continued service and long hours,

Sincerely,

Diane P. Freedman

April Talon

From: Todd Selig
Sent: Tuesday, August 24, 2021 6:13 PM
To: April Talon; Richard Reine
Subject: FW: Mill Pond Dam/Mill Pond--- feedback from Diana Carroll

Dear Rich and April,

For your general information.

Todd

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

Everyone can tackle climate change. How can you reduce your carbon footprint?

From: Jennie Berry <jberry@ci.durham.nh.us>
Date: Thursday, August 12, 2021 at 11:27 AM
To: Allan Howland <al.howland.13@gmail.com>, Carden Welsh <cardentc2@gmail.com>, Charles Hotchkiss <cmhdtc@gmail.com>, Dinny Waters <dinny.tod@gmail.com>, 'Jim Lawson' <lawsonje24@comcast.net>, "'kittyfmarple@comcast.net'" <kittyfmarple@comcast.net>, Sally Needell <sneedelltc@gmail.com>, Sally Tobias <Sally.tobias@me.com>, Todd Selig <tselig@ci.durham.nh.us>, Wayne Burton <wburton@northshore.edu>
Subject: FW: Mill Pond Dam/Mill Pond---

Dear Councilors,

For your information from Diana Carroll.

Jennie--

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

From: Diana Carroll [<mailto:dianacarrollnh@gmail.com>]
Sent: Thursday, August 12, 2021 11:14 AM

To: Jen Berry

Subject: Mill Pond Dam/Mill Pond---

Hi Jennie--

Kindly forward to Todd and Council members. Thanks.

Diana

Dear Todd and Town Council Members,

Durham's Mill Pond is the tailpipe of the Oyster River Watershed. The pond looks bad with increasing plant growth and pond scum. And the water quality is poor.

Because it is located at the end of the Oyster River Watershed, the pond receives all the pollution caused by erosion, agriculture, too many landscaping nutrients and chemicals, etc.— all of which travel from their source through the Oyster River Watershed and congregate in the Mill Pond. Because the Mill Pond serves as the end of the Oyster River Watershed pipeline, this is the last place this water sits before making its way over the Mill Pond Dam.

Removing the Mill Pond Dam will not stop the polluted water from entering Great Bay. Without the dam, polluted water may actually travel there faster, and there will be no settling out of pollutants that the Mill Pond Dam to some extent provides at this time.

During the multi-year process of researching and debating whether to remove the dam or stabilize it, a crucial focus has been missing: to address the poor water quality of the Oyster River Watershed. The water quality of the Mill Pond is degraded only because the water upstream of the pond is degraded. If something is not done to improve the water quality of the Oyster River Watershed, then the water entering the Mill Pond will continue to be degraded, adversely affecting great Bay.

It is imperative that we improve the water quality of the Oyster River Watershed. If these issues are not addressed, then the water quality will likely only get worse. Such a project would need to be a multi-town effort engaging city and state agencies, UNH, and maybe more. And please, let's not paralyze ourselves because of the high price tag this project may come with. Instead, I ask that we save the cost of tearing down the dam and put those resources into cleaning up our Oyster River Watershed.

To sum up, since the dam is not the cause of the Mill Pond's poor water quality, let's spend the money to stabilize the dam so that in the future, when we have improved the water quality of the Oyster River Watershed, we can enjoy a clean pond where wildlife of all kinds will flourish, and where residents spend time for purposes of recreation and inspiration.

Sincerely,

April Talon

From: Eric Hutchins - NOAA Federal <eric.hutchins@noaa.gov>
Sent: Wednesday, September 1, 2021 7:58 AM
To: April Talon
Subject: Story Map about Dam Removal

Hi April,

I wanted to share with you a Story Map about NOAA's efforts at dam removal over the past 20 years that I thought some members of the Durham community might appreciate. Please feel free to share.

<https://www.fisheries.noaa.gov/story-map/reopening-rivers-migratory-fish-northeast>

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



50 Years of Science, Service, and Stewardship

April Talon

From: Katherine Marple <kittyfmarple@gmail.com>
Sent: Friday, September 3, 2021 2:57 PM
To: Comcast
Cc: April Talon
Subject: Re: VHB Response to Public Questions from Feasibility Study Supplemental Analysis now available

There will be no public hearing but you are able to make a public comment (5 minute limit per person) near the beginning of the meeting.

Kitty Marple

Sent from my iPhone

On Sep 3, 2021, at 1:41 PM, Comcast <jeffreyhillier@comcast.net> wrote:

Thx much for sharing April. Do you know if there will be a public hearing prior to TC vote and/or a chance for public comments, and if so what might be that date. Apologies if I missed that

Sent from my iPhone

On Sep 3, 2021, at 9:31 AM, April Talon <atalon@ci.durham.nh.us> wrote:

Good Morning All – The VHB response to public questions from the supplemental analysis is now available for public review and can be found attached to this email and at the link below on the Town’s website.

https://www.ci.durham.nh.us/sites/default/files/fileattachments/public_works/page/54315/oyster_river_dam_at_mill_pond_-_supplemental_analysis_public_questions_and_comments.pdf

In addition the Attachments can be found here.

https://www.ci.durham.nh.us/sites/default/files/fileattachments/public_works/page/54315/oyster_river_dam_at_mill_pond_-_supplemental_analysis_public_questions_and_comments_attachments_compiled.pdf

Your comments and feedback are welcome.

Thank you!
April Talon

April Talon, PE
Town Engineer
Durham Public Works
100 Stone Quarry Drive
Durham NH 03824
Office #: 603-868-5578
Direct Office #: 603-590-1357
Mobile #: 603-343-3100

<Oyster River Dam at Mill Pond - Supplemental Analysis Public Questions and
Comments.pdf>

April Talon

From: Katherine Marple <kittyfmarple@gmail.com>
Sent: Friday, September 3, 2021 3:55 PM
To: Comcast
Cc: April Talon
Subject: Re: VHB Response to Public Questions from Feasibility Study Supplemental Analysis now available

I would like to vote that day unless other information comes to light. It may not be that day.

Have a nice weekend.

Sent from my iPhone

On Sep 3, 2021, at 3:35 PM, Comcast <jeffreyhillier@comcast.net> wrote:

Thx Kitty! I saw in an old Friday's updates "**The Council is not expected to resolve the issue until its meeting on September 13, 2021.**" **Does that mean a vote on the Dam, assuming a motion passes to vote**"?

Sent from my iPhone

On Sep 3, 2021, at 2:56 PM, Katherine Marple <kittyfmarple@gmail.com> wrote:

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Kitty Marple

Sent from my iPhone

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https://www.ci.durham.nh.us/sites/default/files/fileattachments/public_works/page/54315/oyster_river_dam_at_mill_pond_-_supplemental_analysis_public_questions_and_comments_-_attachments_compiled.pdf

Your comments and feedback are welcome.

Thank you!
April Talon

April Talon, PE
Town Engineer
Durham Public Works
100 Stone Quarry Drive
Durham NH 03824
Office #: 603-868-5578
Direct Office #: 603-590-1357
Mobile #: 603-343-3100

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Public Questions and Comments.pdf>