

Overview of Oyster River Nomination

ORWA motivations driving the nomination of the Oyster River to the RMPP.

1. Increases in population and associated urban development in the New Hampshire seacoast area has been accompanied by an estimated 50-percent increase in the use of ground- and surface-water resources.
2. The environmental quality of the region's estuaries is declining. Eleven of twelve indicators show negative or cautionary trends.
3. The Great Bay and the Oyster River are listed as impaired waters under the Clean Water Act for certain parameters and areas.
4. While there are examples of cooperation among the towns of the region (protection of the 1,400 acre Tamposi Water Supply Reserve, and the Bellamy and Oyster River Protection Partnership), there is no formal cross-town body to address water issues within the Oyster River watershed.

Values and Characteristics (at both local and State levels)

- 1) Natural Resources
 - a) Geologic: aquifers and sand deposits (including Spruce Hole, unique kettle-hole)
 - b) Wildlife: regional plans identify focus areas in watershed, wildlife corridor – only 9 river crossings; 80 percent undeveloped with 0.1 miles of river; 12 documented occurrences of rare, threatened or endangered wildlife in corridor.
 - c) Vegetation and natural communities: 139 plant species, 5 rare or threatened. +1 new find
 - d) Fish resources: 18 fish species; one of the most diverse assemblages in the state including 9 species of concern; only known population of American brook lampreys in NH; river herring declining possibly due to low dissolved oxygen.
 - e) Water quality: designated as Class A waters above dam and Class B below; several impairments including mercury, dissolved oxygen, ph and E. coli.
 - f) Natural flow: free flowing from headwaters to OR dam; USGS gauging data since 1935; one of main water supplies for Durham/UNH
 - g) Open spaces: 1,287 acres of protected land in corridor, including the 1,400 acre SATWaSR in Barrington
- 2) Managed Resources
 - a) Impoundments: Mill Pond Dam and Oyster River Dam
 - b) Withdrawals and discharges: only Durham/UNH water treatment plant; Durham wastewater plant is in tidal portion below Mill Pond Dam, and not in corridor
 - c) Hydroelectric: none
- 3) Cultural Resources
 - a) Historic and archaeological: extensive history going back 11,000 yrs; European settlement from the 1630's playing a significant role in the development of the area.
 - b) Community river resources: discussed in each town master plan as a community resources with a protection priority.

- 4) Recreational Resource
 - a) Fishery: popular fishing spots.
 - b) Boating: in tidal portion.
 - c) Other: opportunities for hiking and wildlife viewing.
 - d) Public access: 8 sites, 3 town/state owned, and some informal.
- 5) Other Resources
 - a) Scenery: several viewing sites, but many must be sought out.
 - b) Land use: mixed, mostly rural, but some commercial and industrial. All communities have master plans with subdivision regulations and zoning ordinances
 - c) Water quantity: USGS record since 1934 for 12.1 sq. miles of upstream basin
 - d) Riparian interest/flowage rights: all riparian landowners for reasonable use. UNH for the registered water withdrawal from River under RSA 488 and Water Mgt. Act.

Designated Segments:

1. As a rural-community river immediately downstream of the Hall Road bridge in Barrington to the upstream side of Old Mill Road in Lee (4.6 miles);
2. As a rural river from the upstream side of Old Mill Road in Lee to the upstream side of Route 155 crossing in Lee (3.07 miles);
3. As a rural-community river from the upstream side of Route 155 crossing in Lee to the upstream side of the Oyster River Dam in Durham (4.5 miles);
4. As a community river from the upstream side of the Oyster River Dam in Durham to the Mill Pond Dam in Durham (1.8 miles).

The rough timeline:

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| 8-9/2008 | Grant application and Award to have SRPC help with nomination |
| 2-3/2009 | Grant awarded, nomination work begins |
| 6/2009 | Opening meeting announcing the nomination
Offer River Tours |
| 8/2009 | Official notification to towns, and riparian landowner questionnaire |
| 10/2009 | Questionnaire response – protect water quality, wildlife habitat, limit harmful development; use setback and buffer regulations and purchase development rights; local governments should take actions |
| 2009-10 | Nomination document work continues
Visits to Towns |
| 5/2010 | Public Hearing in Durham |
| 6/2010 | Submit nomination – 22 letters of support from towns (boards and commissions, other government and non-governmental organizations; one negative letter regarding the LAC advisory comment on applications |
| 8/2010 | NH Rivers Mgt. and Advisory Committee holds it hearings (NH DOT concerns), including a Public Hearing in Madbury (no negatives), and goes on tour of Oyster River

By Fall 2010, DES and NH RMAC has recommended nomination to Legislature |
| 1/2011 | Legislative hearings on OR and 3 other nominations; bills to repeal and/or modify the Shoreland Act; moves to de-fund NH RMPP; Durham supports concept and intent of river protection but not in support that would limit its withdrawals; compromise to remove Shoreland Act from 3 rd , 2 nd , and 1 st , order (above Dube Brook); Durham requests allotment up to capacity of treatment plant (not accepted) and modification to RSA wording regarding “public health and safety” vs. “public water supply” (accepted); House also adjust RSA to require notification of all riparian landowners |
| 7/2011 | Ceremonial signing of HB 44, designation of the Oyster River to the NH RMPP. |
| Fall 2011 | Towns nominate members to OR LAC, Governor appoints. |
| Dec 2011 | Oyster River Local Advisory Committee has first meeting! |