



Closure - Proposed Draw Down Schedule Change

In early August we shared the results of the ballot done on changing the schedule. At that time we indicated that we planned to:

- (a) Meet with Amy Smagula, a limnologist with NH Department of Environmental Services and others at DES to help us understand their views on this issue and the potential environmental impact on the lake.**

Several members of the Board and some residents met with Amy Smagula on August 19. We learned that because Pleasant Lake has on average a shallow shelf around much of the shoreline, particularly in coves and near the dam/outlet, any change in the lake level will have a greater impact than if the lake were more like a deep basin, mainly because of the degree of bottom sediment exposure relative to depth of drawdown. Pleasant Lake is more sensitive to changes because of this.

Over time the species inhabiting Pleasant Lake have adapted to the existing lake level and draw down schedule. Any changes to either will have an impact on the insect population (a key part of the food chain), spawning fish populations, and is likely to result in shifting the mix of plant species. Most critical is the fact that these organisms are more heavily impacted by a more rapid draw down. Changes can also degrade the chemistry of the lake. While the magnitude of the impact is not easily determined, multiple studies on other water bodies have consistently shown that these environmental impacts are indeed real.

The bottom line we learned from this meeting is that lake level changes need to be slow, not rapid, and the lake level should be maintained as consistently as possible for the overall health of the system.

Based on the inputs we received from Amy, the Board voted to oppose the proposed change in the draw down schedule.

- (b) Meet with Jim Gallagher to clearly understand the process and the constraints that need to be followed in order to effect any changes in the lake level or the draw down schedule.**

We shared the results of the ballot with Jim Gallagher and asked him to define the process that residents desiring a change should follow. As we stated in the ballot and again when we shared the results, we believe that making changes to the draw down schedule or the lake level is beyond the purview of the PLPA.

The response we received from Jim made it absolutely clear that the position the Board took was the correct one. Any changes to the draw down schedule need to follow the statutes established by the state. A copy of Jim's response is attached.

In summary, it appears that if anyone wants to pursue a change in either the lake level or the draw down schedule, they need to follow the process outlined in New Hampshire statutes RSA 482:79 through RSA 482:83.

Tom Brennan

President Pleasant Lake Preservation Association

From: "Gallagher, Jim" <James.Gallagher@des.nh.gov>
Date: August 9, 2011 3:49:54 PM EDT
To: "Tom Brennan" <tfbrennan@metrocast.net>
Cc: "Mattaini, Dan" <Daniel.Mattaini@des.nh.gov>
Subject: RE: Pleasant Lake Deerfield

Tom,

I apologize if I was not clear about the process to change the lake levels or the drawdown schedule of Pleasant Lake. Approximately five years ago, we made a slight change in the drawdown schedule at the request of the Board of the Lake Association who voted unanimously to request that we remove the last log from the stoplog bay on Columbus Day weekend, instead of the weekend before, which is traditionally the weekend of the Deerfield Fair. I considered this to be a "de minimus" change, and complied with the request because it was so minor and because it was at the unanimous request of the governance of the Lake Association.

The drawdown of Pleasant Lake occurs gradually over the course of the summer with specified dates at which prescribed lake levels must be reached. A similar, one-week change, one way or the other, to these interim levels might also be something that could be implemented based on a unanimity of opinion on the part of the Lake Association.

The survey that you took, which we discussed at our meeting over a year ago, is helpful in gauging whether there is widespread interest in changing the way the lake is operated. However, the current operating schedule, including lake level and rate and extent of drawdown, was established by the New Hampshire Water Resources Board (the predecessor agency to the New Hampshire Department of Environmental Services) after a formal Lake Level Investigation and Hearing conducted pursuant to state statute at the time. The same process would have to be followed if a major change to this schedule were requested. The statutes that outline the process are RSA 482:79 through RSA 482:83. Here is a link to the statutes: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-L-482.htm>. Please note that under RSA 482:83, petitioners are to make a deposit of \$100 and pay all the costs of the hearing. The process is also governed by Administrative Rules Env-Wr 700. Here is a link to the rules: <http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wr100-700.pdf>

Lake Level Investigations performed under these statutes and rules are large undertakings by the Department and consume considerable resources. As you will note in the statutes and rules, a Lake Level Investigation is a two-step process, the first being a Preliminary Investigation by the Department. A threshold question that will have to be answered during that phase, before launching a full investigation, is "what has changed since the last lake level investigation that would require, in the public interest, a change in the operating schedule established as a result of that investigation after public hearing and full consideration of all public comments?"

In your letter to all lake residents that you attached to your email, you indicated that you would be meeting with Amy and then me. I would be happy to meet with you at your convenience. With the exception of Thursday of this week and Wednesday of next week, I should generally be available. Just let me know.

Thanks, Jim

James W. Gallagher, Jr. P. E.
Chief Engineer, New Hampshire Department of Environmental Services

From: "Gallagher, Jim" <James.Gallagher@des.nh.gov>
Date: August 10, 2011 5:13:53 PM EDT
To: "Tom Brennan" <tfbrennan@metrocast.net>
Cc: "Mattaini, Dan" <Daniel.Mattaini@des.nh.gov>
Subject: RE: Pleasant Lake Deerfield

The proposed change would not be a "de minimus" change since it involves keeping the lake level up for approximately two and half months, and for one and a half months during this period, the lake level would be more than 7 inches higher. I'm not saying that the proposed changes are either good or bad, only that they are major changes.

You can use my response in your newsletter.

Thanks, Jim

James W. Gallagher, Jr. P. E.
Chief Engineer, New Hampshire Department of Environmental Services