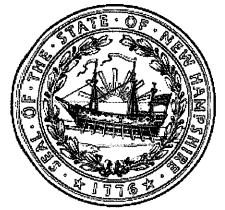




The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

December 12, 2022

Belknap County Board of Commissioners
34 County Drive
Laconia, NH 03246

Dear Commissioners:

Re: Proposed Dam at Outlet of Silver Lake, Belmont and Tilton

The New Hampshire Department of Environmental Services (NHDES) understands that the Board of Commissioners is considering appropriating \$530,000 from funds the county received under the American Rescue Plan Act (ARPA) to fund a feasibility study of dredging a channel 6,000 feet long in the Winnepesaukee River at the outlet of Silver Lake and constructing a dam at the outlet of the lake. This work was identified by the U.S. Army Corps of Engineers, in their Winnepesaukee River Basin Feasibility Report dated September 1985, as an alternative to reduce the likelihood and extent of flooding in Lake Winnepesaukee, Lake Winnisquam and Silver Lake. However, we also understand that, before committing the funds for a feasibility study, the Board of Commissioners is looking for a level of confidence that future state funding will be available to build the project and that the project can be permitted.

Regarding commitments of future state funding to build the project, there are no guarantees. Assuming the feasibility study finds the project is viable and that its impacts to environmental and cultural resources can be mitigated, the only funding action NHDES can take is to include the project in a future NHDES capital budget request. NHDES will rank that request with other capital project needs it may have at the time and submit the request to the Governor's office. The Governor's office will then rank NHDES' requests with all the other capital budget requests the office receives from other state departments. If the project ranks high enough among the competing requests, the request will then be submitted to the Legislature, who must include the funds in their final budget to become available to perform the dredging and construct the dam. In this context, should a study be done, it should include a full analysis of the life cycle costs of a dam and potential periodic dredging as well as an alternatives analysis.

The environmental review and permitting process has changed significantly since the Corps of Engineers performed its 1985 study and provided its recommendation. As such, the 1985 study will need to be re-accomplished to reflect current requirements and the project may be difficult to permit. We recently spoke with the Corps of Engineers regarding the project, and they indicated that they may not make the same recommendation now that they did nearly 40 years ago. Particularly, they indicated that they would not be able to support a proposal that, while reducing flooding in Winnepesaukee, Winnisquam and Silver Lake, would increase the frequency

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and extent of flooding in the downstream communities of Tilton and Franklin. Similarly, the impacts of the dredging activity itself are likely to be of concern. For these reasons, the Corps may not be able to permit the dredging for the project, though this decision would depend on the analyses of the feasibility study. NHDES would also have to consider these issues and others as required by current law as part of the permitting process. In addition, there are requirements that did not exist in 1985 to mitigate the wetlands impacts of the project by paying fees into the Aquatic Resources Mitigation (ARM) Fund based on the impacts of the project on aquatic habitats. Preliminary calculations indicate that the ARM fee alone for a project that includes dredging a channel of 6,000 feet could range from approximately \$2 million to approximately \$5.5 million depending on the project design and the methods used to implement the design. Given the nature and extent of the proposal, significant public input will be required as part of the permitting process.

Please let me know if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", written in a cursive style.

Robert R. Scott
Commissioner