

GOFFSTOWN SELECT BOARD
MINUTES OF MAY 22, 2023
SPECIAL MEETING WITH NHDES TO DISCUSS HADLEY FALLS DAM

In attendance were Chair Kelly Boyer, Vice Chair Peter Georgantas, Sel. Jim Craig, Sel. Mark Lemay, and Sel. Collis Adams. Also, in attendance was Town Administrator Derek Horne - Recording Secretary.

Senator Keith Murphy (Dist. 16), Representative Joe Alexander Jr. (Dist. 29), Representative Fred Plett (Distr. 29), Representative Sheila Seidel (Dist. 29), and Representative Lisa Mazur (Distr. 44).

New Hampshire Department of Environmental Services (NHDES) staff present: Mark Sanborn, Assistant Commissioner; Corey Clark - Chief Engineer, Water Division, Dam Bureau; Ted Diers - Assistant Water Division Director and Dan Mattaini, PE - Operations & Maintenance Engineer - Water Division, Dam Bureau

1:00 PM CALL TO ORDER/PLEDGE OF ALLEGIANCE

Chair Boyer called the meeting to order at 1:00 p.m. She led the Board and audience in the Pledge of Allegiance.

The participating Town Officials and NHDES staff introduced themselves. Chair Boyer explained to the public attending this was a public meeting, but they would not be taking public comment on the topic discussed. NHDES staff graciously volunteered to stay a few minutes after the conclusion of the meeting to discuss any specific questions members of the public may have.

Assistant Commissioner Sanborn provided everyone with a brief history and update of the status of Hadley Falls Dam. There has been no hydroelectric power generation at this site since 2007. The State has made numerous attempts to renegotiate to bring the site back on line. The capital need of repair to allow hydroelectric generation to return to this site does not provide a viable Return On Investment (ROI). There is not another operator for the hydroelectric generation, there are numerous safety concerns at this specific dam, and the State is facing pending federal fines up to \$20,000/day from the Federal Energy Regulatory Commission (FERC). Unfortunately, from the perspective of the NHDES, on behalf of all State taxpayers, the State has made the decision to relinquish the FERC license. NHDES will be notifying FERC about the decision to relinquish the license by the end of this week.

Surrendering the FERC license opens funding options to the State for necessary work for the protection and free movement of habitat for wildlife. Those funding options available are not available for hydroelectric.

NHDES is willing to work with the Town and stakeholders on concurrent paths. If the Town wants to take on financial responsibility for the dam, that may be an option. A viable and vetted plan for taking over the dam, making the necessary repairs, and maintaining the dam would need to be submitted to NHDES. NHDES will work with the Town on this issue. The actual removal of the dam is further down the road. The process involves planning and design, and many studies. The Town and other stakeholders can work concurrently to take over the dam, while the State moves forward with the planning for removal of the dam.

The State is responsible for 275 dams across the entire state. There is currently \$440 million of necessary capital investment in those 275 dams. The State does not have the ability to continue to

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pass along this financial burden to the taxpayers of the state. Hadley Falls is currently a safety hazard, and it impacts the building on Mill Street and the people that reside there. The State has a responsibility to protect those people.

Over the next six (6) months the NHDES is committed to moving slowly on the necessary studies that need to occur. This would give the community of Goffstown an opportunity to decide if they wanted to pursue an alternative solution.

Assistant Commissioner Sanborn said the Governor's Office is concerned about the impact on Goffstown. They will reach out to our Congressional delegation and the National Oceanic and Atmospheric Administration (NOAA) about potential funding. Currently, infrastructure that brings in revenue, such as hydroelectric, cannot take advantage of federal dollars.

This week the letter indicating the State will relinquish the license will go to FERC. The current plan is removal. However, this does not prevent the Town and stakeholders from researching other options.

Vice Chair Georgantas asked if the Town could buy and maintain Hadley Falls Dam?

Assistant Commissioner Sanborn responded that it doesn't make sense for the State to maintain the dam. If other stakeholders had a viable and vetted plan, the State could sell to stakeholders. The capital investment and infrastructure at this dam could be as much as \$5-10 million.

Corey Clark said NHDES needs to submit to FERC a plan on capital improvements. The dam is currently inspected annually. At this time, it costs approximately \$10,000 a year for inspection. If the FERC license is relinquished, the dam falls under State regulations. As part of that, the dam must meet a litany of discharge requirements – it must be able to safely discharge 2.5 times a 100 year flood event, whereas FERC requirements are less. As an engineer, the only solution to “keep” the dam is to remove the dam and rebuild it with anchors in the rock.

Chair Boyer asked what is the cost to demo and rebuild?

Corey Clark answered the removal is less. Rebuilding the dam is much more expensive.

Chair Boyer asked if the cost could be covered by congressional or federal funds.

Corey Clark answered yes, but it must compete against other projects on federal level. Currently there is more funding available for habitat restoration.

Sel. Craig said one of the dangers of that dam is to the building on Mill Street. Are there any other dangers?

Corey Clark answered right now it is only the residential mill building. The inundation study hasn't been updated in years. Removal of the residential structure could move it out of the high hazard.

Sel. Adams asked if the State had a cost to breach and remove.

Corey Clark answered it depends on the plan, the final design, and the level of the removal. Several million.

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Assistant Commissioner Sanborn said regardless of cost for removal, the cost of rebuild needs to include cost of maintenance, inspections, and on-going costs into the future. Removal is the lowest cost option.

Sel. Adams said the residents of Goffstown want to know the cost for removal of dam.

Assistant Commissioner Sanborn said the State is trying to move in slow steps. If the State completed a removal study, they would better understand the cost of removal. That also accelerates the process.

Rep. Plett asked if the State is responsible for removing the dam and finding funds for that project?

Assistant Commissioner Sanborn replied yes.

Rep. Plett asked would the State need to provide a plan to rebuild?

Assistant Commissioner Sanborn answered no. The State is willing to allow stakeholders to work concurrently to look at options. NHDES is looking at all our fiduciary responsibilities statewide. NHDES will surrender the license and notify FERC about intent to remove. It doesn't preclude other options from being explored concurrently.

Dan Mattaini said FERC won't allow us to keep the license if it isn't power generation.

Corey Clark answered that once FERC is notified that the State is surrendering the license, FERC will develop a timeline for removal. There will be negotiations by the State Dam Bureau and FERC about removal timeline. Concurrently, the Town and other stakeholders can pursue other options. If a viable plan is developed in the meantime, the State can notify FERC we are moving in another direction.

Sel. Craig asked would removal of the dam affect the water course above and below?

Corey Clark answered the downstream shouldn't change much. It should remain like what you see today. Upstream will change, going back to a natural state. This is also an opportunity to work with the State and other stakeholders for watercourse design. Also, unsure how the property rights will shake out.

Sel. Craig asked how far upstream will the changes be seen?

Corey Clark answered he is unsure. Studies need to be done to figure that out.

Rep. Mazur said I have a vested interest. If removed, what does Glen Lake look like? Was the housing development at Hadley Falls going to take over the hydroelectric generation?

Assistant Commissioner Sanborn answered that negotiations between the State and developer stopped. There were talks about them taking over the hydro.

Rep. Mazur asked if they would pursue maintaining the dam?

Assistant Commissioner Sanborn said I'm going to be a bit defensive. The hydroelectric generation here hasn't operated for 16 years. The worst thing the government can do is to not be direct. One of the problems is NHDES has not been upfront about realistic future of infrastructure statewide.

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This piece of infrastructure is in dire shape. It needs too many capital repairs, which is not in the State's best interests. It may have local interest, but not State. NHDES and the State will in good faith assist the Town if you pursue other paths. The State needs a solution in coming years for this declining piece of infrastructure.

Rep. Alexander asked about the impact after removal downstream.

Corey Clark answered there would be none.

Rep. Alexander said he wants to start a long-term conversation with the State over the dams impacting Goffstown.

Assistant Commissioner Sanborn said with Hadley Falls, the Town will be very involved. Examples of dam removals in other communities include Franklin and Exeter. The Town can be actively involved in the planning and new vision. The State is also committed to discussing the future of other dams, when the time is appropriate. The commissioner believes we can have a healthy discussion of statewide dams with elected officials in Concord.

Rep. Mazur asked if there have been discussions with Fish and Game? Internal discussions?

Corey Clark answered that there are on-going discussions with US Fish and Wildlife, NOAA, and NH Fish & Game about the entire water way when NHDES was trying to figure out funding. They are aware of NHDES decision.

Ted Diers said he has been involved with many dam removals throughout the state. There are feasibility studies performed and alternatives studied. These studies take into account what the community feels is important. What is important when the stream is returned.

Sel. Adams said the dam is going. A feasibility study provides an opportunity for community input.

Assistant Commissioner Sanborn concurred. NHDES wants to move at a speed comfortable for all stakeholders. The only thing the State will be doing after this meeting is to send a notice to FERC. We will start to put together preliminary work.

Sel. Adams said it is important to share information. He is concerned with Town resources being used to answer questions. NHDES should be gate keepers of information. Make it easier for everyone.

Assistant Commissioner Sanborn suggested forming a dam committee. You could have people on it for the long haul. Towns that have done those groups have been the most successful. It allows for positive input back and forth. Corey Clark and Derek Horne can communicate back and forth and share information with residents.

Sel. Adams was concerned this is putting communication back on the Town.

Assistant Commissioner Sanborn said by Corey and Derek working together, a direct point of contact can be formed. The State is fully prepared to answer questions about this piece of State infrastructure.

Rep. Mazur asked if there will be a meeting for public comment from residents?

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Assistant Commissioner Sanborn is committed to holding an evening meeting in a few months. It wouldn't be formal hearing. It will be an informational meeting, hosted by NHDES.

Vice Chair Georgantas said he wanted to summarize the meeting. At the end of week NHDES relinquishes the license. The Select Board/Town will decide on whether they want to ask the State to expedite the feasibility study.

Assistant Commissioner Sanborn suggested the Town consider the financial resources that are needed for this infrastructure. Stakeholders need to think about Hadley Falls in conjunction with other dams on Piscataquog River.

Sel. Adams asked what is a typical timeframe for this type of feasibility study?

Corey Clark said the study would provide multiple options and take approximately one (1) year for a deliverable report; in a form that can be used to make a decision. The state is also going to be doing a full river study. This will take into account Hadley Falls, but also issues at Weare Reservoir and Deering Reservoir. The study would go all the way to the Merrimack confluence. The entire river system needs to be looked at.

Sel. Craig asked whether flood control dams are part of this analysis?

Corey Clark said the State owns the structures at the Deering Reservoir and Weare Reservoir. Both are passive structures. The State infrastructure is not tied into Army Corps of Engineers flood control dams.

Chair Boyer said the Select Board has a regularly scheduled meeting tonight and she aims to take quick action to request the State move forward on the feasibility study. We are also working to get meeting minutes from this meeting up quickly.

Assistant Commissioner Sanborn said the State is committed in the next three (3) months to partner with the Town for an informational meeting.

ADJOURNMENT

2:16 p.m. Vice Chair Georgantas made a motion to adjourn the meeting. Sel. Lemay seconded the motion. VOTE: 5-0-0. Motion. passed unanimously.

Respectfully submitted,
Derek M. Horne
Town Administrator

These minutes are subject to approval of the Select Board.