

## EXPLAINER

# The Ashuelot River Protected Instream Flow Study and Water Management Plan

### Background

- As a designated “high-value” river, the Ashuelot River is included in the State of New Hampshire’s Protected Instream Flow (PISF) program.
- This means the state’s Department of Environmental Services (NHDES) will develop and implement a water management plan for the Ashuelot River that could affect the management of lakes/ponds and dams along the river, including Ashuelot Pond.
- As a first step toward developing a water management plan, the state has funded a technical study to estimate how much flow is needed through the Ashuelot River at different times of year to protect fish, wildlife, plants, and recreational uses.

### What is the concern for LAE?

- Once the state sets minimum flow requirements for the Ashuelot River, the state can require water withdrawals from Ashuelot Pond to ensure that downstream flow minimums are met.
- Mandated withdrawals during low-water periods could negatively affect habitat, water quality, recreational uses, and property values on Ashuelot Pond.
- If these interests aren’t adequately considered and if there is no limit on what the state can require in the name of protecting downstream flows, the consequences for Ashuelot Pond and for local control over lake management could be severe.

### About the draft *Ashuelot River Instream Flow Study*

- The study presents minimum flow recommendations (in cubic feet per second) for the upper and lower segments of the Ashuelot River during six biologically critical periods of the year. These recommendations are based on previous studies of habitat suitability for six identified fish species, field surveys and historical flow records for the Ashuelot River, and interviews with recreational users.
- The study was prepared for NHDES by two consulting firms, Normandeau Associates and Streamworks, PLLC. Work on the study began in 2021 and has cost the state approximately \$430,000 so far.
- Similar studies have been completed and used to set flow criteria and develop water management plans for other NH rivers.
- NHDES has held two public meetings on the draft Ashuelot River Instream Flow Study, on March 24, 2026 and April 9, 2026. LAE was represented at both meetings.
- Public comments on the draft Instream Flow Study must be submitted to NHDES by July 10, 2026. (The original deadline was May 11, 2026 – it was extended in response to a written LAE request).

### Next steps

- Completion of the instream flow study constitutes Phase 1 of the state’s Protected Instream Flow program. NHDES and its consultants will need to respond to comments received by July 10 before finalizing the study.
- In Phase 2, recommendations from the instream flow study will be used to develop a water management plan for the Ashuelot River. Unlike Phase 1, which is focused on the river, Phase 2 is supposed to consider impacts on lakes and lake users in setting requirements for lake withdrawals – including specific numeric criteria describing when water would be released, the rate at which water would be released, and for how long – to achieve “protective” downstream flows.
- The process to develop a draft water management plan is expected to take several years. That plan will also be subject to public comment before it is finalized. Phase 3 consists of implementing the water management plan.

#### **LAE actions so far**

- Heath Grayson and Joe Batcha will head a new working group focused on the Ashuelot River flow study and water management plan. LAE Directors and members have also reached out to the APDVD (Ashuelot Pond Dam Village District), the town of Washington, and residents across the lake.
- The Board has engaged the law firm of Sulloway & Hollis to represent LAE, using \$10,000 from the LAE legal fund and revolving fund to cover the retainer for these services. Efforts to identify a subject matter expert who could help LAE identify technical and scientific flaws in the instream flow study have been unsuccessful thus far.
- A motion to approve additional funds in support of continued LAE work on this issue will be discussed at the July Annual Meeting.

#### **Bottom line**

*The time to register any legal, scientific or technical, and other concerns about the instream flow study is now. Doing so will put LAE in a much stronger position if we find ourselves in litigation over the Ashuelot River water management plan down the line. Beyond the need for an immediate response to the draft study, effectively engaging with the state and advocating for LAE’s interests in the context of the protected instream flow program will likely require a sustained, multi-year effort.*

**Additional documents**, including links to the draft Ashuelot River instream flow study and informational material about the PISF program, can be accessed at the LAE website (go to the “News” tab under “Happenings” at [www.laeinc.org](http://www.laeinc.org)).