

Bill as Introduced

HB 35-FN – AS INTRODUCED

2011 SESSION

11-0061
06/10

HOUSE BILL

35-FN

AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

SPONSORS: Rep. Chandler, Carr 1; Rep. Rappaport, Coos 1; Rep. Daugherty, Coos 1; Sen. Gallus, Dist 1

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill authorizes the fish and game department to acquire certain dams in the Connecticut Lakes Headwaters Tract and to transfer rights in the properties to the department of environmental services for repair and maintenance.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Acquisition Authorized. Amend RSA 482:48 by inserting after paragraph VI
2 the following new paragraph:

3 VII. For, a consideration of \$1, the fish and game department is authorized to accept
4 conveyance from the property owners of all water and property rights necessary to repair, maintain, and
5 operate the following described properties for the purpose of improving and controlling the water rights
6 for the benefit of the state. The property rights the fish and game department is authorized to acquire
7 for the benefit of the state shall be exempt from taxation as long as the properties are held by the state.
8 The fish and game department may transfer rights in these properties under RSA 482:51 to the
9 department for purposes of repair and maintenance.

10 (a) Shehan Pond Dam in the town of Clarksville, known as number 48.06.

11 (b) Pearly Terrill Dam in the town of Pittsburg, known as number 194.05.

12 (c) Mountain Pond Dam in the town of Pittsburg, known as number 194.17, also known
13 as Boundary Pond Dam. The rights to be acquired shall include the right to maintain Mountain Pond
14 Dam in its historic configuration as it existed prior to May 1, 2010, or any other configuration beneficial
15 to the state.

16 (d) Coon Brook Dam in the town of Pittsburg, known as number 194.18.

17 (e) Round Pond Dam in the town of Pittsburg, known as number 194.2.7.

18 2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
11-0061
12/10/10

HB 35-FN - FISCAL NOTE

AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

FISCAL IMPACT:

The NH Fish & Game Department (NHFG) and the Department of Environmental Services (DES) state this bill would increase restricted state expenditures by \$386,250 in FY 2012, \$11,250 in FY 2013, \$411,250 in FY 2014, and \$11,250 in FY 2015 and each fiscal year thereafter. This bill would not impact state revenue or county and local revenues or expenditures.

METHODOLOGY:

DES states this bill would transfer ownership of five dams to the State for a consideration of \$1. DES states their Department is responsible to perform all required repairs and reconstructions on state owned dams and expects two of the five dams to require major repairs between FY 2012 and FY 2014. DES estimates it will cost \$375,000 in FY 2012 to repair the Boundary Pond Dam in Pittsburg and \$400,000 in FY 2014 to repair the Shehan Pond Dam in Clarksville and does not anticipate any major repairs for the other three dams over the next five years. DES estimates annual operating costs of \$9,250 (\$1,850 * 5 dams), which would be paid from the Dam Maintenance Fund (RSA 482:55). DES and NHFG state there would be an annual cost of \$2,000 (\$400 * 5 dams) for dam registration fees, which would be paid from the Fish and Game Fund. Below is a summary of this bill's estimated costs for fiscal years 2012 through 2015:

Cost Description	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015
Repairs & Reconstruction	\$375,000	\$0	\$400,000	\$0
Operation & Maintenance	\$9,250	\$9,250	\$9,250	\$9,250
Dam Registration Fees	\$2,000	\$2,000	\$2,000	\$2,000
Total	\$386,250	\$11,250	\$411,250	\$11,250

This bill would not impact state revenue or county and local revenues or expenditures.

HB 35-FN - AS AMENDED BY THE HOUSE

09 Feb 2011... 0047h

2011 SESSION

11-0061
06/10

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LBAO
11-0061
Amended 02/23/11

HB 35 FISCAL NOTE

AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House (Amendment #2011-0047h), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2011 through 2015.

CHAPTER 102
HB 35-FN – FINAL VERSION

09Feb2011...0047h
4May2011... 1570EBA

2011 SESSION

11-0061
06/10

HOUSE BILL ***35-FN***

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09Feb2011...0047h
4May2011... 1570EBA

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06/10

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18 (d) Coon Brook Bog Dam in the town of Pittsburg, known as number 194.18.

19 (e) Round Pond Dam in the town of Pittsburg, known as number 194.27.

20 102:2 Effective Date. This act shall take effect 60 days after its passage.

21

22 Approved: May 31, 2011

23 Effective Date: July 30, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
ENERGY AND NATURAL RESOURCES**

- ✓ Senator Bob Odell Chairman
- ✓ Senator John Gallus V Chairman
- ✓ Senator Jeb Bradley
- ✓ Senator Gary Lambert
- ✓ Senator Amanda Merrill

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: March 17, 2011

HEARINGS

Thursday

3/24/2011

ENERGY AND NATURAL RESOURCES

LOB 102

9:45 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: Please note, the Committee will begin hearings at 9:45 am instead of the usual 9:00 am start time.

- ✓ 9:45 AM HB35-FN authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.
- 10:00 AM HB45 relative to the Connecticut Lakes headwater citizens committee.
- 10:15 AM HB55 adding a member to the exotic aquatic weeds and species committee.
- 10:30 AM HB93 relative to medical documentation for a crossbow permit for a person with a disability..
- 10:45 AM HB167 naming the Enfield wildlife management area after former fish and game biologist Henry Laramie.
- 11:00 AM HB195 relative to special permits for transportation of deer.
- 11:15 AM HB278 setting the natural high water mark of Ossipee Lake.

Sponsors:

HB35-FN

Rep. Gene Chandler

Rep. Laurence Rappaport

Sen. John Gallus

Rep. Duffy Daugherty

HB45

Rep. Gene Chandler

Rep. Laurence Rappaport

Sen. John Gallus

Rep. Duffy Daugherty

Rep. Marc Tremblay

HB55

Rep. Richard Drisko

Rep. David Russell

Rep. D.L. Chris Christensen

HB93

Rep. Elisabeth Sanders

Rep. Laurie Harding

Rep. Lyle Bulis

HB167

Rep. Gene Chandler

Rep. Charles Sova

Rep. Paul Mirski

Sen. Matthew Houde

Rep. Charles Townsend

HB195

Rep. Dennis Reed

Rep. David Palfrey

HB278

Rep. Mark McConkey

Rep. Harry Merrow

Rep. David Babson

Sen. Jeb Bradley

Richard Parsons 271-3076

START: 9:45AM
END: 10:01AM

Sen. Bob Odell

Chairman

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Richard Parsons, Legislative Aide

RE: Hearing report on HB 35-FN – **authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.**

HEARING DATE: 3/24/2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert, Merrill

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Rep. Chandler, Carr 1; Rep. Rappaport, Coos 1; Rep. Daugherty, Coos 1; Sen. Gallus, Dist 1

What the bill does: This bill authorizes the fish and game department to acquire certain dams in the Connecticut Lakes Headwaters Tract and to transfer rights in the properties to the department of environmental services for repair and maintenance.

Who supports the bill: Sen. Gallus, Dist. 1; Rep. Gene Chandler, Carr. 1; Glenn Normandeau, NH Fish and Game; Rep. Peter Bolster, Belk. 5; Rep. Harry Merrow, Carr. 3; Jasen Stock, NH Timberland Owners Association; Andy Renzullo, Hill. 27; Rene Pelletier, DES

Who opposes the bill: No one.

Summary of testimony received:

Rep. Gene Chandler, Carroll 1-prime sponsor

- Hearing opened at 9:45 am
- HB 35 authorizes the New Hampshire Fish and Game Department to acquire five dams in the Connecticut Lakes Headwater Tract in Pittsburg and Clarksville.
 - In the House, the bill was amended to state that it does not mandate or authorize the expenditure of any funds or capital relative to the acquisition of the dams.
- Very familiar with the Connecticut Lakes Headwaters Tract.

- The State was very influential in completing a successful partnership to allow a lot of traditional uses of the land like fishing, hiking, hunting, etc. to go on there.
- In our third private ownership of the 171,000 acres.
- Unfortunately, there always are some glitches.
- There are a number of back country ponds that are very important to the economy of the North Country.
- This last year, the Boundary Pond, which is the northern most pond, is a very popular pond.
 - It is a tremendous trout resource.
 - It is one of the only places that will allow trout to naturally reproduce.
 - The Dam was totally breached and Boundary Pond was partially breached this year.
 - It is vital that we get that fixed.
- It is important that we get all of these dams into the Fish and Game Department ownership.
 - It didn't happen when we set up the works for the Connecticut River Headwaters Tract.
 - There is a liability to the landowner and insurance has become increasingly wary of the responsibility of these dams.
- Will transfer ownership to the Fish and Game Department.
 - There will be money in the capital budget for dam repairs.
- Question from Senator Odell: Who owns them now?
 - The landowner.
- Question from Senator Odell: The departments do not have a problem?
 - Do not believe so, but will let them speak for themselves.

Glenn Normandeau, Director of NH Fish and Game Department

- These ponds are heavily utilized by the public for recreational purposes.
 - The situation is that Fish and Game built most of these dams in the 1940s and 1950s.
 - They remained in ownership of the landowner and Fish and Game would lease them back.
- When the Connecticut Lakes property was sold, DRED acquired a recreational easement on 145,000 acres.
 - The dams stayed in ownership of the underlying property owner and there was a lot of pressure to get the easement dealt with and the deal done.
- There are two underlying issues:
 - There is a state statute that says that no state agency shall acquire ownership of a dam without an express act of the legislature, which is what this is authorizing.
 - The other issue is that under the terms of the easement, the lands cannot be subdivided.

- There is a bunch of language to be worked out where the Department will gain an easement for the land that the dams sit on.
- When Boundary Pond became a problem last spring, the current property owner, the forest land group, which owns timber properties throughout the US and Canada, breached the dam when they got notice it was on the verge of letting go.
 - Their liability insurance company said they were not interested in them owning a dam.
- These ponds are substantially accessible and heavily used by the public.
- Question from Senator Merrill: Lines 8 and 9, language about possible of Fish and Game transferring rights to DES. If that were to happen would the dam need to be listed in RSA 482:51?
 - Believes it is standard language. It is there in case DES goes in for repairs and may need an easement. It will allow DES to make repairs.

Rene Pelletier, DES

- In support and the Department made a commitment that we would take on the responsibility to fix and repair these dams.
- We estimate the repairs will cost \$1,850 a year to make these repairs and it would come out of the dam maintenance fund, which is currently broke.
- The guy that runs the Murphy Dam in Pittsburg would oversee these five northern tract dams.
 - There would be no additional staff costs.
- The dams do need work.
 - If they aren't taken care of they may need to be dredged to keep a cold water habitat.
- Something that needs immediate attention.

Hearing closed at 10:01 am

Funding: The NH Fish & Game Department (NHFG) and the Department of Environmental Services (DES) state this bill would increase restricted state expenditures by \$386,250 in FY 2012, \$11,250 in FY 2013, \$411,250 in FY 2014, and \$11,250 in FY 2015 and each fiscal year thereafter. This bill would not impact state revenue or county and local revenues or expenditures.

Future Action:

Senator Bradley made a motion that the bill ought to pass and the motion was seconded by Senator Gallus. The vote was 4-0 and Senator Bradley will report this bill to the floor.

RMP

[file: HB 0035-FN report]
Date: 3/25/11

Speakers

Testimony



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

March 24, 2011

The Honorable Bob Odell, Chairman
Energy and Natural Resources Committee
Legislative Office Building, Room 102
Concord, NH 03301

RE: HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract

Dear Senator Odell:

Thank you for the opportunity to comment on HB 35-FN, which authorizes the New Hampshire Fish and Game Department (NHFG) to acquire five dams in the Connecticut Lakes Headwater Tract in Pittsburg and Clarksville. In the House, the bill was amended to state that it does not mandate or authorize the expenditure of any funds or capital relative to the acquisition of the dams. However, there are significant costs associated with dam ownership, and the purpose of this letter is to provide the Committee with information on the potential fiscal impact associated with the acquisition of these dams. The Department of Environmental Services (DES) does not have a position on this bill.

The locations of the dams are shown on the attached map. The dams were built by NHFG over 40 years ago, on land leased from its former owners, to provide recreational opportunities and fish and wildlife habitat in the North Country. The dams have been operated and maintained by the State of New Hampshire since the time they were constructed. The leases expired in 2004 and ownership of the dams reverted to the current land owner, The Forestland Group. The waterbodies impounded by the dams are important recreational resources to the State, and, under the bill, the dams would be reacquired by NHFG.

Two of the five dams to be reacquired under the bill will require major repairs in the near future. The embankment of Mountain Pond Dam in Pittsburg failed in the spring of 2010. Due to this failure, the dam was no longer structurally stable and had to be breached. The DES Dam Bureau estimates that it will cost \$375,000 to rebuild the dam. The other dam in need of repair within the next five years is Shehan Pond Dam in Clarksville. The concrete spillway of the dam has deteriorated and needs to be rebuilt, and its earth embankment is overgrown with trees and needs to be reconstructed to current dam safety standards. DES estimates that it will cost \$400,000 to do the necessary reconstruction. For the other three dams, major repairs are not anticipated to be necessary over the next five years. The DES Dam Bureau performs repairs and reconstruction on all 274 dams that the State currently owns. In preparing its FY12-13 Capital Budget Request, DES assumed that these dams would be reacquired by the State, and it included the costs for the repair of Mountain Pond and Shehan Pond Dams in its request.

In addition to repair costs, there will be annual operation and maintenance expenses associated with these dams. Since 2002, the DES Dam Bureau has been responsible for performing all operations and maintenance on dams owned by NHFG. The operation of the five dams in the Connecticut Lakes

DES Web site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

Telephone: (603) 271-3503 • Fax: (603) 271-2982 • TDD Access: Relay NH 1-800-735-2964

Headwaters Tract would most likely be performed by the DES employee who is responsible for the state-owned Murphy Dam in Pittsburg and several other dams in the vicinity. DES anticipates that it will incur additional costs of \$1,850 per year per dam for routine operation and maintenance.

The cost for the operation, maintenance, repair and reconstruction of state-owned dams is funded from the State Dam Maintenance Fund established under RSA 482:55. The source of revenue to the fund is rent payments that DES receives from leasing eleven of the dams that it owns to private hydropower developers to generate electricity at the sites. Under the terms of the leases, the rent that is paid to DES is a percentage of the revenue from the sale of power at the facilities. Ten of these lessees sell the power to Public Service Company of New Hampshire (PSNH).

Beginning in 2002, PSNH initiated actions to renegotiate its above-market power purchase agreements pursuant to RSA 374-F. This is the Electric Utility Restructuring legislation that directs utilities to take all reasonable measures to mitigate stranded costs, including the renegotiation of power purchase contracts. As part of that initiative, PSNH bought-out or bought-down the above-market power purchase agreements of seven of the lessees of the state-owned dams, resulting in a significant loss of revenue from these leases. In addition, in 2003 the lease for the state-owned Pontook Dam was acquired by the Brascan Corporation, which sells the power it generates at the facility to its energy marketing subsidiary at generally below-market rates. The combination of these events resulted in a 50% to 70% drop in revenue to the State Dam Maintenance Fund.

In the eight years since revenues to the State Dam Maintenance Fund were reduced, the fund has been operating at a deficit of several hundred thousand dollars per year. In Fiscal Years 2005 and 2007, the legislature provided Capital Appropriations to fund major reconstruction projects at state-owned dams. However, despite several legislative attempts, no alternative funding source has been identified to fund the operation, maintenance and repairs of state-owned dams. By the end of the current fiscal year, reserve funds will have been exhausted. Accordingly, unless an additional revenue source is identified, DES will be unable in the next biennium to adequately finance the operation, maintenance, repair and reconstruction of state-owned dams, or the repayment of the bonds issued to establish the Dam Maintenance Fund.

Thank you for this opportunity to comment on this bill. Please call either Jim Gallagher at 271-1961, or me at 271-2958, if you have any questions or need additional information.

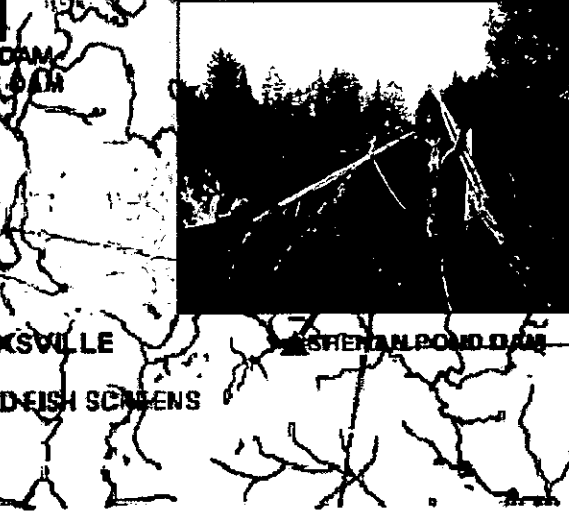
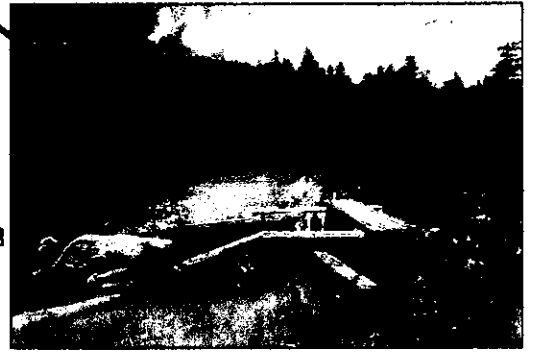
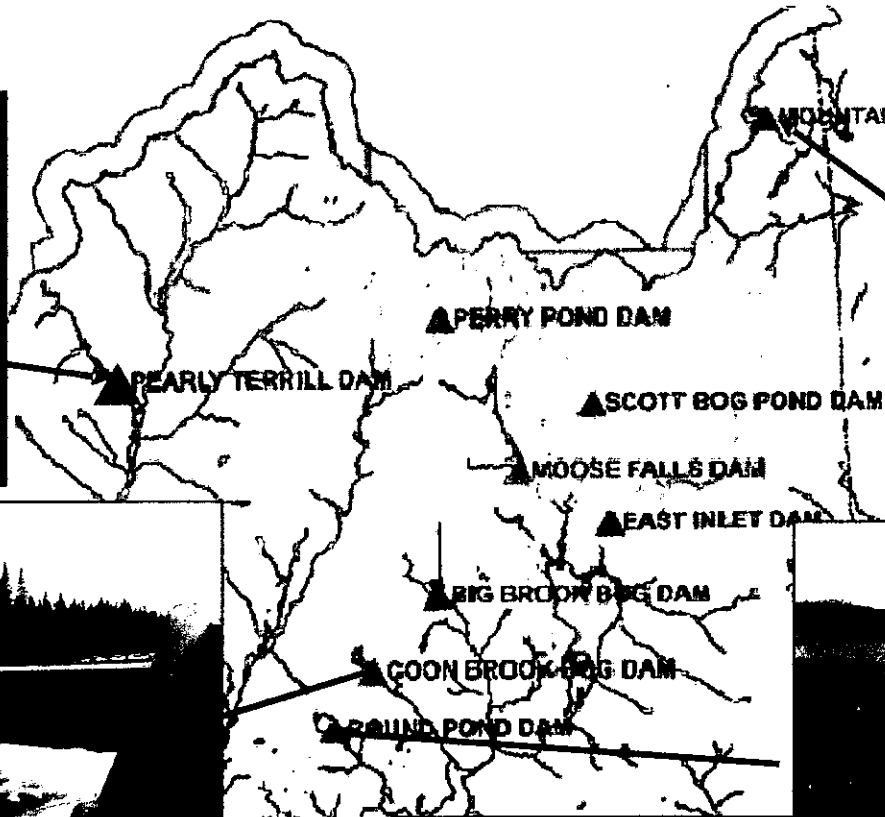
Very truly yours,



Thomas S. Burack
Commissioner

Attachment

cc: Representative Gene Chandler
Representative Laurence M. Rappaport
Representative Duffy Daugherty
Senator John T. Gallus



Legend

- ▲ DRFD Dams
- ▲ NH Fish and Game Dams
- ▲ CT Lakes Realty Trust Dams
- Conservation Lands
- Town Boundary
- Rivers/ Streams
- Intermittent Stream



From
Andy R.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 35-FN

BILL TITLE: authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.

DATE: January 18, 2011

LOB ROOM: 305 **Time Public Hearing Called to Order:** 11:00 a.m.

Time Adjourned: 12:00 p.m.

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Rep. Chandler, Carr 1; Rep. Rappaport, Coos 1; Rep. Daugherty, Coos 1; Sen. Gallus, Dist 1

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* **Rep. Gene Chandler** - Prime sponsor of the bill. Packet of letters from stakeholder/constituents. No money involved – bill authorizes \$1.00. Gives the dams to Fish and Game. In response to questions: Dams are combination construction – earthen dams with concrete spillways. Maintenance is unfunded – need to get dollars from Capital Budget. Repairs estimate in bill come from DES/Dam Bureau.

* **Jim Gallagher, NH Department of Environmental Services (DES)** - Response to questions: maintenance crews operates out of Murphy dam area.

- Dams built by state of New Hampshire
- All five dams are "Low Hazard"
- Sheehan Pond is most in need of repair, but need is not imminent.

Glenn Normandeau, Director, NH Fish and Game Department - Dams built 50+ years ago for habitat. Dams should have been acquired as part of CT Lakes Land acquisition but it was a detail that was missed in a complex land transfer.

Question: Could landowners endow the maintenance? ANS: Not likely – they'd rather breach. Dams are heavily used by public, but no estimate of financial impact on the region.

Theodore Tichy, NH Fish and Game Department - Supports the bill. Fish and Game has not had the opportunity to officially vote on support but he believes support is there. Back country ponds are now a big attraction for kayakers and canoeists to paddle and see wildlife.

Jasen Stock, NH Timberland Owners Association - Supports the bill. Letter from "Forestland Group LLC.

Respectfully submitted,

Rep. Chris Christensen
Clerk

HB 35 #1

1/13/2011

LAPERLE'S IGA
Guy L LAPERLE
Colebrook, NH,
237-4370

Gewe Chandler,

I Am Very concerned of The Dam in Pittsburg
Closing, AS IT WILL HAVE ANOTHER NEGATIVE
IMPACT ON THE ECONOMY OF THE GREAT NORTHWOODS.

I Am implore you To Vote yes on HB#35,
AS 3rd largest Employer in the North Country,
my opinion should mean something.

Sincerely,
Guy L. Laperle

① *

HB 35 FN

House Bill 35FN

From: The Wilsons [mailto:flyrod86@metrocast.net]
Sent: Monday, January 17, 2011 7:50 PM
To: gene.chandler@leg.state.nh.us
Cc: chandlr2@ncia.net
Subject: House Bill 35FN

The Honorable Gene Chandler
State of New Hampshire
House of Representatives
P.O. Box 296
Bartlett, NH 03812-6603

Dear Representative Chandler,

I would like to express my support for HB 35FN which will authorize the acquisition of certain dams in the Connecticut River Headwaters Tract. My understanding is that this bill will enable the New Fish and Game Department to acquire the dams and to complete much needed repairs. We have already lost the Boundary Pond Dam in Pittsburg, and it is my understanding that the dam at Sheehan Pond in Clarksville is nearing the end of its life. I fear that there are other dams in Pittsburg that may soon be in jeopardy as well.

The loss of these ponds will eliminate a valued resource at a time when the North Country needs it most and will eliminate a chapter of its treasured heritage. Generations of sportsman have enjoyed the quality fishing experience offered by these ponds. The economy of the North Country cannot afford to lose another resource.

I have served on a volunteer committee at NHDES, currently volunteer on a foundation which supports NHF&G, and am willing to do whatever I can in support of your effort.

I can be reached at this email, flyrod86@metrocast.net, or by phone at 527-3241 days, or at 528-5464 evenings.

Thank you for your service to our State.

Best Regards,

Ken Wilson
18 Hatch Drive
Gilford, NH 03249

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Version: 10.0.1191 / Virus Database: 1435/3386 - Release Date: 01/17/11

1/18/2011



NORTH COUNTRY

Chamber of Commerce



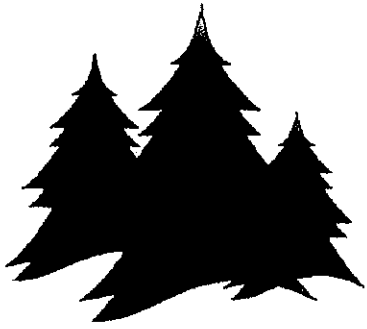
January 13, 2011

Dear Gene Chandler,

The North Country Chamber of Commerce is in favor of passing House Bill # 35. Our understanding of HB #35, is that it will transfer ownership for repairs and maintenance of the dams, which have been great fishing places for outdoor enthusiasts and recreational fishing. DES hasn't fulfilled its part in the Champion land agreement, for sale to Lyme Timber, to maintain and repair the dams on this land. We agree with you on HB #35, that Fish & Game will do a better job.

The North Country's main economy is **tourism, tourism, tourism** and outdoor recreation. We cannot afford to loose anymore business in the Great North Woods region of New Hampshire.

Sincerely,
Peter Rouleau
President
North Country Chamber of Commerce



The Cabins at Lopstick

First Connecticut Lake
Pittsburg NH 03592
800-538-6659
www.Lopstick.com

January 17, 2011

To: Rep. Gene Chandler
Re: HB-35-FN

Dear Gene,

As Lodge owners and fly fishing guides in Pittsburg, we wholeheartedly support HB-35-FN. The ponds mentioned in this bill are true gems of the Great North Woods and are vital resources to the area. We believe that all efforts should be made by the state to insure that the dams that impound these ponds continue to be repaired and maintained. Therefore, we strongly recommend passage of HB-35-FN.

Thank you for this opportunity to comment.

Tim & Lisa Savard
The Cabins at Lopstick

Stinson Mountain Outfitters, LLC
2179 Stinson Lake Road
Rumney, NH 03266
(603) 254-7719
smoutfitters.net

New Hampshire State Legislator
Resources, Recreation and Development Committee

RE: House Bill 35

Dear Legislators,

As a Licensed NH Fishing Guide in the Connecticut Lakes Region, I am financially dependent on all the fishing opportunities in Pittsburg which include the lakes, the Connecticut River and the outer ponds. Pittsburg's outer ponds are a resource that I often use in my guiding business. They provide a remote fishing experience that my clients have enjoyed for many years. My clients travel from all over the country to fish these ponds that not only provide me with income but also benefit the area's lodging and dining establishments. As a fishing guide, I feel that the loss of these resources will have a negative effect on my business, Pittsburg's tourism, and the State of New Hampshire's reputation for great fishing opportunities.

Please pass House Bill 35. Thank you for your consideration.

Respectfully,


Dave Poole

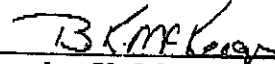


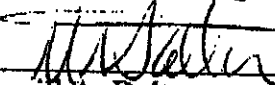
January 17, 2011

Attn: Andrew Renzullo, Chairman
Resources, Recreation & Development Committee

Re: HB 35

We, the Board of Selectmen of the Town of Pittsburg, fully support HB 35. We are definitely in favor of the New Hampshire Fish & Game Department taking over the ownership and maintenance of the dams on our local ponds and bogs. They are very important to our fishermen and our tourism industry and we don't want to see these dams breached. The landowners of the vast forestland in this North Country are in the business of producing timber and should not be responsible for keeping up the dams for public use. We would appreciate your support of the passage of this bill.


Brendon K. McKeage, Chairman


Merrill A. Dalton


Burnham A. Judd

BOARD OF SELECTMEN
TOWN OF PITTSBURG

FAXED
1-17-11


January 14, 2011

TO: Representative Chandler
FROM: John J. Lyons – Bear Tree Rental Properties, LLC
REF: Boundary Pond Dam Repair – HB 35

As a business owner in Pittsburg, I am very concerned with all the fishing opportunities in our area which include the lakes, the Connecticut River and the outer ponds. Pittsburg's outer ponds play a very important part by providing a remote fishing experience that our visitors have enjoyed for many years. Many of our guests travel from all over the country to fish these ponds. There is nothing better than fishing on a tranquil summer evening on a remote pond.

I feel that Pittsburg's tourism will be adversely affected by the loss of these resources and that the State of New Hampshire must and should protect its reputation of providing quality angling opportunities.

I urge you and your fellow representatives to pass House Bill 35.

Respectfully,

John J. Lyons – General Manager
Bear Tree Rental Properties, LLC



January 14th, 2011

New Hampshire State Legislator
Resources, Recreation and Development Committee

RE: House Bill 35

Dear Legislators,

As a lodge owner in Pittsburg, I am very concerned with all the fishing opportunities in our area which include the lakes, the Connecticut River and the outer ponds. Pittsburg's outer ponds play a very important part by providing a remote fishing experience that our guests have enjoyed for many years. Many of our guests travel from all over the country to fish these ponds. There is nothing better than fishing on a tranquil summer evening on a remote pond.

As a business owner, I feel that Pittsburg's tourism will be adversely affected by the loss of these resources and that the State of New Hampshire must protect their reputation of providing quality angling opportunities.

Please pass House Bill 35. Thank you for your consideration.

Respectfully,

Cindy Howe

A handwritten signature in cursive script that reads "Cindy Howe".

Tall Timber Lodge
Rainbow Grille & Tavern

Tall Timber Lodge & The Rainbow Grille
609 Beach Road Pittsburg, NH 03592
1-800-835-6343
talltimber.com
rainbowgrille.com

Northern Rivers Guide Service
Drift Boat & Wade Trips On The
Androscoggin and Connecticut Rivers

Jon Howe
Licensed NH Fishing Guide
FFF Certified Casting Instructor



January 14th, 2011

New Hampshire State Legislator
Resources, Recreation and Development Committee

RE: House Bill 35

Dear Legislators,

As a Licensed NH Fishing Guide in the Connecticut Lakes Region, I am financially dependent on all the fishing opportunities in Pittsburg which include the lakes, the Connecticut River and the outer ponds. Pittsburg's outer ponds are a resource that I often use in my guiding business. They provide a remote fishing experience that my clients have enjoyed for many years. My clients travel from all over the country to fish these ponds that not only provide me with income but also benefit the area's lodging and dining establishments. As a fishing guide, I feel that the loss of these resources will have a negative effect on my business, Pittsburg's tourism, and the State of New Hampshire's reputation for great fishing opportunities.

Please pass House Bill 35. Thank you for your consideration.

Respectfully,

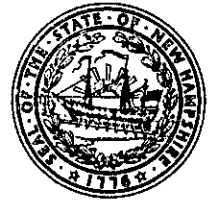
Jonathan Howe

Northern Rivers Guide Service
Pittsburg, New Hampshire

609 Beach Road, Pittsburg, New Hampshire 03592
603-538-9589 FAX 603-538-6582 Email: jhowe@wildblue.net



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

2 *

January 18, 2011

HB 35

The Honorable Andrew Renzullo, Chairman
Resources, Recreation, and Development Committee
Room 305, Legislative Office Building
Concord, NH 03301

RE: HB 35-FN, authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 35-FN, which authorizes the New Hampshire Fish and Game Department (NHFG) to acquire five dams in the Connecticut Lakes Headwater Tract in Pittsburg and Clarksville. The Department of Environmental Services (DES) does not have a position on this bill. The purpose of this letter is to provide the Committee with information on the fiscal impact associated with the acquisition of these dams.

The locations of the dams are shown on the attached map. The dams were built by NHFG over 40 years ago, on land leased from its former owners, to provide recreational opportunities and fish and wildlife habitat in the North Country. The dams have been operated and maintained by the State of New Hampshire since the time they were constructed. The leases expired in 2004 and ownership of the dams reverted to the current land owner, The Forestland Group. The waterbodies impounded by the dams are important recreational resources to the State, and, under the bill, the dams would be reacquired by NHFG.

Two of the five dams to be reacquired under the bill will require major repairs in the near future. The embankment of Mountain Pond Dam in Pittsburg failed in the spring of 2010. Due to this failure, the dam was no longer structurally stable and had to be breached. The DES Dam Bureau estimates that it will cost \$375,000 to rebuild the dam. The other dam in need of repair within the next five years is Shehan Pond Dam in Clarksville. The concrete spillway of the dam has deteriorated and needs to be rebuilt, and its earth embankment is overgrown with trees and needs to be reconstructed to current dam safety standards. DES estimates that it will cost \$400,000 to do the necessary reconstruction. For the other three dams, major repairs are not anticipated to be necessary over the next five years. The DES Dam Bureau performs repairs and reconstruction on all 274 dams that the State currently owns. In preparing its FY12-13 Capital Budget Request, DES assumed that these dams would be reacquired by the State, and it included the costs for the repair of Mountain Pond and Shehan Pond Dams in its request.

In addition to repair costs, there will be annual operation and maintenance expenses associated with these dams. Since 2002, the DES Dam Bureau has been responsible for performing all operations and maintenance on dams owned by NHFG. The operation of the five dams in the Connecticut Lakes Headwaters Tract would be most likely performed by the DES employee who is responsible for the

state-owned Murphy Dam in Pittsburg and several other dams in the vicinity. DES anticipates that it will incur additional costs of \$1,850 per year per dam for routine operation and maintenance.

The cost for the operation, maintenance, repair and reconstruction of state-owned dams is funded from the State Dam Maintenance Fund established under RSA 482:55. The source of revenue to the fund is rent payments that DES receives from leasing eleven of the dams that it owns to private hydropower developers to generate electricity at the sites. Under the terms of the leases, the rent that is paid to DES is a percentage of the revenue from the sale of power at the facilities. Ten of these lessees sell the power to Public Service Company of New Hampshire (PSNH).

Beginning in 2002, PSNH initiated actions to renegotiate its above-market power purchase agreements pursuant to RSA 374-F. This is the Electric Utility Restructuring legislation that directs utilities to take all reasonable measures to mitigate stranded costs, including the renegotiation of power purchase contracts. As part of that initiative, PSNH bought-out or bought-down the above-market power purchase agreements of seven of the lessees of the state-owned dams, resulting in a significant loss of revenue from these leases. In addition, in 2003 the lease for the state-owned Pontook Dam was acquired by the Brascan Corporation, which sells the power it generates at the facility to its energy marketing subsidiary at generally below-market rates. The combination of these events resulted in a 50% to 70% drop in revenue to the State Dam Maintenance Fund.

In the eight years since revenues to the State Dam Maintenance Fund were reduced, the fund has been operating at a deficit of several hundred thousand dollars per year. In Fiscal Years 2005 and 2007, the legislature provided Capital Appropriations to fund major reconstruction projects at state-owned dams. However, despite several legislative attempts, no alternative funding source has been identified to fund the operation, maintenance and repairs of state-owned dams. By the end of the current fiscal year, reserve funds will have been exhausted. Accordingly, unless an additional revenue source is identified, DES will be unable in the next biennium to adequately finance the operation, maintenance, repair and reconstruction of state-owned dams, or the repayment of the bonds issued to establish the Dam Maintenance Fund.

Thank you for this opportunity to comment on this bill. Please call either Jim Gallagher at 271-1961, or me at 271-2958, if you have any questions or need additional information.

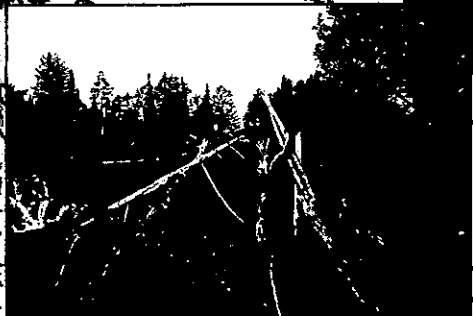
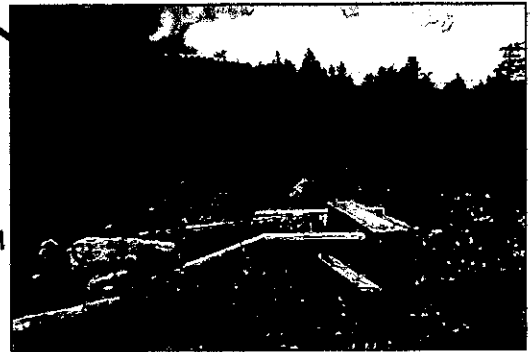
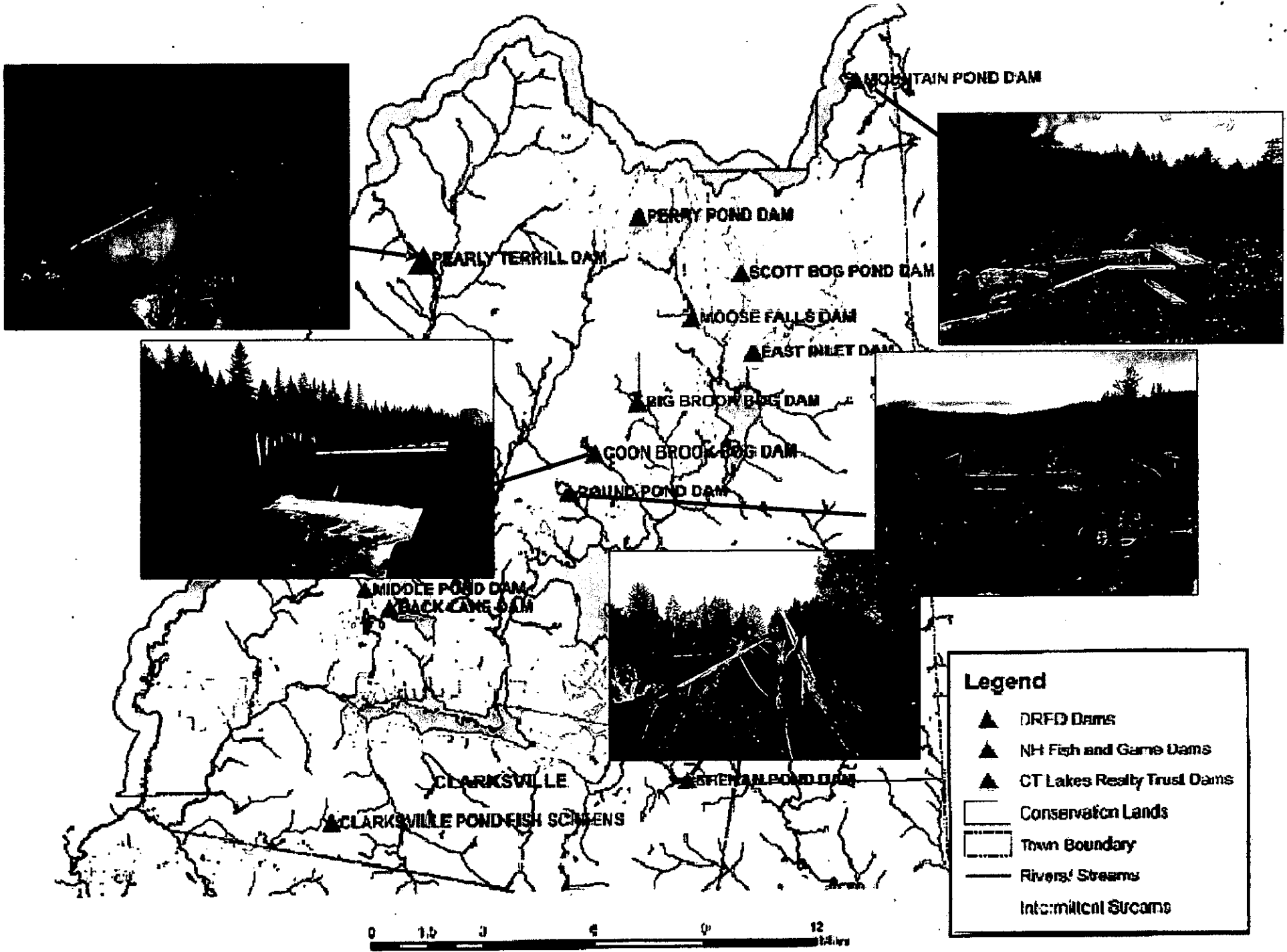
Very truly yours,



Thomas S. Burack
Commissioner

Attachment

cc: Representative Gene Chandler
Representative Laurence M. Rappaport
Representative Duffy Daugherty
Senator John T. Gallus





The Forestland Group, LLC

January 18, 2011

54
The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
New Hampshire House of Representatives
Room 305
Legislative Office Building
Concord, NH 03301

HB35

Chairman Renzullo,

My name is Matthew Sampson and I am the Northeast Regional Director for The Forestland Group, LLC (TFG). TFG is a timberland investment company and managing partner for Heartwood Forestland fund VI, L.P. (HFF VI). As you may be aware, HFF VI purchased the Connecticut Lakes (CT Lakes) properties from Lyme Timber in 2009. This property is located at the northern-most tip of the state in the towns of Pittsburg, Clarksville and Stewartstown.

I am writing to you today to express our interests regarding House Bill HB 35, *AN ACT authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract*.

There are currently five dams on the CT Lakes ownership that are in various states of disrepair. These dams were originally constructed by and leased to the state. However, at some time in the not too distant past, the lease terms ran out and ownership reverted to the fee owner (Connecticut Lakes Reality Trust or CLRT).

In the spring of 2010 we were notified by NH Department of Environmental Services of deficiencies in two dams: Sheehan Pond and Boundary Pond (a.k.a. Mountain Pond). Due to the immanent concern of failure as expressed by the state, we immediately undertook an emergency breaching of the Boundary Pond dam for safety and liability reasons. Subsequently the Sheehan Pond dam was revisited by the state and though deficiencies exist, it was determined that an imminent risk of failure did not exist at that time.

These activities generated a concern among all affected parties and prompted a meeting of the Connecticut Lakes Headwaters Citizens Committee (CLHCC). The meeting was held at the Pittsburg Fire Hall and was attended by the CLHCC, New Hampshire Department of Resources and Economic Development, officials from the New Hampshire Department of Environmental Services, and the general public at large including lodge owners, fishermen, adjacent landowners, etc. At this meeting I clarified that TFG:

1. Fully understands the importance of these ponds to the local community and general public and has no opposition toward their use by the general public.
2. Respects the fact that the easement provides for public access on and across the lands of CLRT and willingly accepts their presence on the ownership.



The Forestland Group, LLC

3. Views and manages the ownership as a forest investment with a fiduciary responsibility to our investors toward responsible environmental, economic, and risk avoidance management decisions.
4. Has a history of dam ownership on other properties and is being advised by our insurance carrier that the liabilities associated with dams pose a significant concern and can put our general policy at risk.
5. Cannot justify the expense and liability of maintaining the dams on the CTRT ownership.
6. Welcomes solutions that will allow the dams to be maintained for the public good while removing the economic and liability burdens from the fee owner. Such solutions might include state ownership and/or leasing of the dam structures or some form of a public/private initiative to do the same.

As it would appear that HB 35 will provide a process by which the State of New Hampshire could accept a donation by CLRT of the dam structures, TFG is supportive of such an effort.

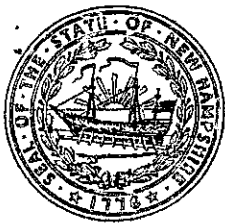
Feel free to contact me any time for more details regarding this issue and/or for any questions you might have regarding HFF VI as the new manager of this property and the State of New Hampshire's new natural resources partner.

Thank you for your time and consideration.

Sincerely,

Matthew Sampson

cc: Jasen A. Stock – NH Timberland Owners Association
Mike Hinchler – V.P. Forest Operations, TFG



GEORGE M. BALD
Commissioner

STATE OF NEW HAMPSHIRE **DRED**
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
OFFICE of the COMMISSIONER
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

603-271-2411
FAX: 603-271-2629
e-mail: gbald@dred.state.nh.us

HB 35

January 18, 2011


The Honorable Andrew Renzullo and the
Resource, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: House Bill 35: An act authorizing the acquisition of certain dams in the Connecticut
Lakes Headwaters Tract.

Dear Chairman Renzullo and Members of the Committee,

The Department of Resources and Economic Development supports the acquisition by
the state of the Shehan Pond, Pearly Terrill, Mountain Pond, Coon Brook, and Round
Pond dams located on the Connecticut Lakes Headwaters tract. The 2007 Public Access
and Recreation Management Plan for the property states on page 55 that the "dams and
their impoundments are important recreational and ecological attributes to the property"
and are a sought after public resource.

Sincerely,


George M. Bald
Commissioner

GMB:jl

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 24, 2011

THE COMMITTEE ON Energy and Natural Resources
to which was referred House Bill 35-FN

AN ACT authorizing the acquisition of certain dams in the
Connecticut Lakes Headwaters Tract.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 4-0

AMENDMENT # s

Senator Jeb E. Bradley
For the Committee

Richard Parsons 271-3076

New Hampshire General Court - Bill Status System

Docket of HB35

Docket Abbreviations

Bill Title: authorizing the acquisition of certain dams in the Connecticut Lakes Headwaters Tract.*Official Docket of HB35:*

Date	Body	Description
12/22/2010	H	Introduced 1/5/2011 and Referred to Resources, Recreation and Development; HJ 8 , PG.128
1/5/2011	H	Public Hearing: 1/18/2011 11:00 AM LOB 305
1/5/2011	H	Executive Session: 1/20/2011 1:00 PM LOB 305
1/21/2011	H	Committee Report: Ought to Pass with Amendment #0047h for Feb 9 (Vote 16-1; CC); HC 10 , PG.147
1/21/2011	H	Proposed Committee Amendment #2011-0047h; HC 10 , PG.1; HC 10 , PG.163
2/9/2011	H	Amendment #0047h Adopted, VV; HJ 16 , PG.314
2/9/2011	H	Ought to Pass with Amendment #0047h: MA VV; HJ 16 , PG.314
3/16/2011	S	Introduced and Referred to Energy and Natural Resources; SJ 10 , Pg.168
3/17/2011	S	Hearing: 3/24/11, Room 102, LOB, 9:45 a.m.; SC16
3/24/2011	S	Committee Report: Ought to Pass, 3/30/11; SC17
3/30/2011	S	Ought to Pass, MA, VV; Refer to Finance Rule 4-3; SJ 11 , Pg.211
4/13/2011	S	Committee Report: Ought to Pass, 4/20/11; SC20
4/20/2011	S	Ought to Pass, MA, VV; OT3rdg; SJ 13 , Pg.265
4/20/2011	S	Passed by Third Reading Resolution; SJ 13 , Pg.270
5/4/2011	S	Enrolled Bill Amendment #1570 Adopted; SJ 16 , Pg.316
5/4/2011	H	Enrolled Bill Amendment #2011-1570e Adopted; HJ 42 , PG.1490
5/4/2011	H	Enrolled; HJ 42 , PG.1492
5/11/2011	S	Enrolled; SJ 17 , Pg.344
6/1/2011	H	Signed By Governor 05/31/2011; Effective 07/30/2011; Chapter 0102

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

H130035-FN ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): REVISED FISCAL NOTE 0061

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/22/11


BY COMMITTEE AIDE