

LEGISLATIVE COMMITTEE MINUTES

SB136

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SB 136

Bill as
Introduced

SB 136 - AS INTRODUCED

2017 SESSION

17-0784

08/03

SENATE BILL **136**

AN ACT eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

SPONSORS: Sen. Giuda, Dist 2; Sen. Avar, Dist 12; Sen. Ward, Dist 8; Sen. Sanborn, Dist 9; Rep. McConnell, Ches. 12; Rep. Brown, Graf. 16; Rep. Matthews, Rock. 3

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill eliminates the land use board, requires approval of federal land acquisitions by the governor and executive council, and requires the commissioner of the department of resources and economic development to issue a certificate of compliance with the approval process before land may be sold or transferred to the federal government.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

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

1 1 Notification of Acquisition. RSA 121:2 is repealed and reenacted to read as follows:

2 121:2 Notification of Acquisition. Prior to any lands being acquired by the federal government
3 under this chapter, notice shall be provided in writing by the federal agency acquiring such land to
4 the commissioner of the department of resources and economic development.

5 2 Approval of Acquisition. Amend RSA 121:3 to read as follows:

6 121:3 Approval of Acquisition. No land shall be acquired pursuant to this chapter *unless such*
7 *acquisition meets all criteria under this chapter. This information shall be provided to*
8 *the governor and executive council by the department of resources and economic*
9 *development, and then approved by the governor and executive council* [~~until the acquisition~~
10 ~~shall have been recommended by the land use board and approved by the governor and council~~]; but
11 the provisions of this chapter shall not apply to the acquisition by the United States of sites for post
12 offices, custom houses, or other public buildings or effect an amendment or repeal of RSA 123 or
13 RSA 272.

14 3 Land Use Board Removed; Procedures. RSA 121:4 is repealed and reenacted to read as
15 follows:

16 121:4 Procedure. Within 30 days after the department of resources and economic development
17 receives written notice of a proposed acquisition of land in any town, city, or unincorporated place,
18 the department shall, by letter addressed to the governing body, advise it of the proposed
19 acquisition. Within 21 days of notification by the department of resources and economic
20 development, the governing body where the purchase of such land is contemplated shall hold a
21 public hearing in such town, city, or unincorporated place, or at some other convenient place.

22 4 Land Use Board Removed; Procedures. Amend RSA 121:5 to read as follows:

23 121:5 Approval by Governor and *Executive Council. Upon notification by the department*
24 *of resources and economic development that an acquisition meets all criteria under this*
25 *chapter, and approval by the governor and executive council, the governor and executive*
26 *council* [~~upon recommendation of the land use board,~~] are authorized on behalf of the state: (a) To
27 accept leases or enter into other agreements with the United States, or a duly authorized agency
28 thereof, for the administration and maintenance of any such lands, with or without improvements,
29 upon such terms and conditions as they may consider proper [~~Net income derived from any of such~~
30 ~~lands which may be designated for administration by the state forestry department shall be~~

1 ~~disposed of by the governor and council in the same manner as other income received from state~~
2 ~~forests and forestry reservations; and all income from other such lands shall be covered into the~~
3 ~~general funds of the state~~]; (b) To accept deeds from the United States, of any such lands, upon such
4 terms and conditions as they may consider proper.

5 5 Limitations on Right to Acquire; Land Use Board Removed. Amend RSA 121:6 to read as
6 follows:

7 121:6 Limitations on Right to Acquire. Lands which may be acquired under this chapter shall
8 be such as by reason of quality, location, or condition are better adapted to public conservation,
9 forestry, recreation, experimental, and demonstration purposes than for continued private
10 ownership and development. Such acquisition shall be limited in total within the state to 2 percent
11 of the total land area of the state. *Such acquisition* [~~and~~] shall be further limited in each town,
12 [~~or~~] city, *or unincorporated place* to an amount of land, the assessed valuation of which *shall*
13 *not result in total lands held by the federal government to exceed 5 percent of the total*
14 *assessed valuation of all the real estate in such town, city, or unincorporated place at the*
15 *time of acquisition and shall be approved by a vote of the governing body after complying*
16 *with RSA 121:4. The assessed value shall be at the highest and best use at the time of*
17 *acquisition as determined by an assessor certified under RSA 21-J:14-f and possessing*
18 *either the property assessor or property assessor supervisor certification level. A town,*
19 *city, or unincorporated place may allow a land acquisition to exceed the 5 percent*
20 *assessed valuation limit by a vote of the legislative body.* [~~on April 1 of the preceding year was~~
21 ~~5 percent of the total assessed valuation on such date of all the real estate in such town or city. The~~
22 ~~provisions of this chapter shall not limit the authority of the United States to acquire lands for the~~
23 ~~White Mountain National Forest within the boundaries established by proclamation of the president~~
24 ~~of the United States, dated October 26, 1929; and the limitations as to area and valuation contained~~
25 ~~in this section shall not apply to acquisitions within the boundaries of the existing White Mountain~~
26 ~~National Forest Purchase Unit, or any new national forest purchase units that may be~~
27 ~~recommended by the land use board and approved by the governor and council; nor shall such~~
28 ~~acquisitions be included in computing such limitations.]~~

29 6 New Sections; Federal Land Acquisition; Certificate of Compliance; Recordkeeping. Amend
30 RSA 121 by inserting after section 3 the following new sections:

31 121:3-a Certificate of Compliance. Prior to the sale or transfer of any property or easement to
32 any federal agency, such property or easement owner shall apply to the department of resources
33 and economic development for review and approval in accordance with this chapter. Upon
34 determination that the proposed transaction complies with this chapter, the commissioner of the
35 department of resources and economic development shall issue a certificate of compliance to the
36 applicant for that specific parcel and transaction. The commissioner shall adopt rules under
37 RSA 541-A relative to the form and content of such certificate of compliance.

38 121:3-b Register of Deeds. No deed involving the transfer or sale of any property or easement

1 to any federal agency shall be recorded without a certificate of compliance issued by the
2 commissioner of the department of resources and economic development under RSA 121:3-a.

3 7 New Subparagraph; Rulemaking Authority; Certificate of Compliance. Amend RSA 12-A:2-c,
4 II by inserting after subparagraph (f) the following new subparagraph:

5 (g) The form and content of a certificate of compliance to be issued prior to the sale or
6 transfer of any property or easement to any federal agency under RSA 121.

7 8 New Section; Sale or Transfer of Property to Federal Agency; Compliance. Amend RSA 477
8 by inserting after section 4-h the following new section:

9 477:4-i Sale or Transfer of Property to Federal Agency; Compliance. Sale or transfer of any
10 property or easement to any federal agency shall require compliance with RSA 121.

11 9 Acquisition Authorized. Amend RSA 121:1 to read as follows:

12 121:1 Acquisition Authorized. Subject to the provisions of this chapter, consent is given to the
13 acquisition of lands in this state by the United States of America for any public purpose duly
14 authorized by the laws of the United States. *For purposes of this chapter, acquisition shall be*
15 *defined as fee ownership and easements where the federal government is the primary*
16 *holder of the easement.*

17 10 New Sections; White Mountain National Forest. Amend RSA 121 by inserting after section
18 6-a the following new sections:

19 121:6-b White Mountain National Forest; Current Holdings Within the Boundaries of the
20 Presidential Proclamation of October 26, 1929. Holdings by the federal government in the White
21 Mountain National Forest within the boundaries established by the proclamation of the President of
22 the United States, dated October 26, 1929, as of the effective date of this section, shall not be
23 counted towards the 2 percent limit of total land area specified in RSA 121:6.

24 121:6-c White Mountain National Forest; Land Outside the Boundaries of the Presidential
25 Proclamation of October 26, 1929, and Acquisitions Within the Boundaries of the Presidential
26 Proclamation of October 26, 1929. Holdings by the federal government in the White Mountain
27 National Forest which are outside the boundaries established by proclamation of the President of
28 the United States, dated October 26, 1929, and all easements procured and acquisitions made
29 within the boundaries established by the proclamation of the President of the United States, dated
30 October 26, 1929, by the federal government, after the effective date of this section, shall contribute
31 to the 2 percent limit of total land area of the state specified in RSA 121:6.

32 11 Applicability. This act shall not apply to any transfer or sale of land to a federal agency in
33 which a purchase and sale agreement has been executed on or before August 1, 2017.

34 12 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

- ✓ Sen Sharon Carson, Chair
- ✓ Sen John Reagan, Vice Chair
- ✓ Sen William Gannon, Member
- ✓ Sen Donna Soucy, Member
- Sen Jeff Woodburn, Member

11:25 out
@ 9:34 AM
Open
Close 11:48 AM
9:30 AM
11:11 AM

Date: February 22, 2017

HEARINGS

Wednesday

03/08/2017

(Day)

(Date)

Executive Departments and Administration

LOB 101

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.

Hearing on proposed committee amendment 2017-0583s, relative to court requests for documents in conjunction with petitions for guardianship of a minor and guardianship of an incapacitated person to SB 143, allowing for notarized signatures electronically on court documents. (NOTE: SB 143 was RECESSED on February 22, 2017).

9:30 a.m.

SB 136

eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 136

Sen. Giuda
 Rep. McConnell

Sen. Avarad
 Rep. Brown

Sen. Ward
 Rep. Matthews

Sen. Sanborn

SB 143

Sen. Lasky
 Rep. Wall

Sen. Carson
 Rep. Keans

Sen. Hennessey
 Rep. Berch

Sen. Gannon

Deb Chroniak 271-1403

Sharon M Carson
 Chairman

Senate Executive Departments and Administration Committee

Deb Chroniak 271-1403

SB 136, eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Hearing Date: March 8, 2017

Time Opened: 9:30 a.m. **Time Closed:** 11:48 a.m.

Members of the Committee Present: Senators Carson, Reagan, Gannon, Soucy and Woodburn

Members of the Committee Absent : None

Bill Analysis: This bill eliminates the land use board, requires approval of federal land acquisitions by the governor and executive council, and requires the commissioner of the department of resources and economic development to issue a certificate of compliance with the approval process before land may be sold or transferred to the federal government.

Sponsors:

Sen. Giuda

Sen. Avard

Sen. Ward

Sen. Sanborn

Rep. McConnell

Rep. Brown

Rep. Matthews

Sponsors: Senator Giuda, District 2; Senator Avard, District 12; Senator Ward, District 8; Senator Sanborn, District 9; Rep. McConnell, Cheshire 12; Representative Brown, Grafton 16; Representative Matthews, Rockingham 3.

Who supports the bill: Senator Bob Giuda, District 2; Senator Ruth Ward, District 8; Anne Cartwright, Self; Joseph Cartwright, Cheshire County Commissioners; Art Bingham, Self; Bob Lord, Errol, New Hampshire and Coos County; Representative Judith Spang, Strafford 6; Senator Sanborn, District 9; Sandra O. Salo, Self; John S. Salo, Self; Chris Rietmann, Town of Alstead Select Board, Rosemary Landry

Who opposes the bill: Representative Suzanne Smith, Grafton 8; Senator Martha Fuller Clark, District 21; Parker Griffin, Newfound Land Conservation Partnership (NLCP); Chris Wells, New Hampshire Land Trust Coalition; Roger Stephenson, Stratham; Brian Hart, Southeast Land Trust of New Hampshire; Barbara Richter, New Hampshire Association of Conservation Commissions (NHACC); Rob Wofchuck, Self; Mark Glowacky, Self; Martha Twombly-Hebron; Matt Leahy, Forest Society;

Susan Pratt Mooney, Self; Robert E. Mooney, Self; Jim O'Brien, The Nature Conservancy; Thomas Crane, Meredith, New Hampshire; Cindy Bloom, Self; Susan Mooney, Self; Sandy Goodspeed, Epping

Who is neutral on the bill: Anne Edwards, Attorney General's Office; Brad Simpkins, New Hampshire Department of Resources and Economic Development (DRED)

Summary of testimony presented in support:

Senator Giuda opened his bill and brought forward amendment 2017-0712s.

- Noted the bill addresses RSA 121 (Title IX, Acquisition of Lands by United States; Federal Aid) originally adopted in 1935.
- 1961 Department of Resources and Economic Development (DRED) was formed.
- 1964 the Land Use Board was dissolved.
- This bill passed last year and was vetoed by Governor Maggie Hassan at the urging of special interest groups.
- This legislation does three things: (1) it addresses the lack of statutory authority for DRED to administer the state functions in RSA 121; (2) establishes due process for federal acquisitions for towns within the White Mountain National Forest, as afforded by law by every other town in the state, but excluding those towns within the boundary of the National Forest, a due process issue remedied; (3) a balance with a clearly defined process interests of towns and cities, conservation, taxpayers, property owners and the state in considering federal acquisitions for conservation, forestry, recreation, etc. as Title IX states.
- Acquisition is either a "fee simple purchase" or an "easement".
- The amount of New Hampshire land controlled by federal easements is not documented.
- In New Hampshire, the United States Government controls 13% of our landmass; a potential economic activity which we will not get back.
- Federal tax dollars are being used to take more land.
- Exhibit 1 (map) shows the amount of federal acquisitions existent and planned (not including the White Mountain National Forest) in New Hampshire.
- Need to balance conservation efforts with economic consequences on many of the small New Hampshire rural towns.
- In discussions with DRED and stakeholders the issue of valuing property being considered for taking was addressed (this is what brought in Amendment 2017-0712s), which brought in the term "Fair Market Value" of the property being acquired. This is a mechanism by law, which restricts to 2% land federal government can acquire. When a community's total federal holdings exceeds 4% of the total valuation of the town, people get to vote on it (has to go to a town meeting).
- As more and more land is taken from a community's tax base, many taxpayers are being faced with paying more property tax to cover the deficit.
- It was noted that Governor Sununu supports this legislation.

Senator Soucy asked about line 17 on the amendment where it states, the total will not exceed 4% of the total assessed valuation. How was that number derived?

Senator Giuda stated that the 4% is 4% of the total valuation of a given town (which is a dollar figure). The 2% figure is 2% total acreage of the state, excluding the National Forest, can be placed in federal control (acquired by the federal government). **Senator Soucy** asked how they came up with 4%? Senator Giuda stated the original bill filed in 1935 indicated 5%. If the value comes down the amount comes down of the total valuation of a town (a numerator/denominator).

Senator Woodburn said in rural areas there is a need for development of land for tax base. There is not a huge demand for real estate, so the demand may come from the federal government, and how is that balanced. **Senator Giuda** stated in the state constitution, when you enter society you agree to accede some rights for certain purposes. Actions of an individual who remove from the tax base property which could be used for other purposes and for a higher tax purpose. This has an impact on the remainder of the community, which is why it needs to come before the community to decide.

Senator Reagan asked if this were not an impediment of selling property. Senator Giuda said only if it exceeds the 4% threshold of the valuation of the town. Also, the community may decide if it will greatly impact their tax base.

Senator Reagan asked Senator Giuda if he were stating the interest of the community is greater than the interest of the private property holder. Senator Giuda stated the interest of the community is to be considered when the property holder's decision significantly impacts the tax rates of the whole community perpetually.

Representative Judith Spang, District 6 (in support) (written testimony):

- Her land was put into easement with the federal Natural Resources Conservation Service's (NRCS) Wetland Reserve Program. They needed to get the value out of their land, which land they could have sold to a developer, which the community would have been against. Chose to put land in conservation easement where the community did not have to pay for their easement on their property.

- They did not feel that their land was being taken; it was a partnership they undertook with the NRCS.

- By placing an easement on their property, it makes it open and available for the good of the community and the environment.

Anne Cartwright, Alstead, New Hampshire (in support) (testimony provided):
Tree farm owners in Alstead, New Hampshire.

In 2015 they received a postcard from the United States Fish and Wildlife Service which stated their property was in the focus area for acquisition for the Silvio O. Conte National Fish and Wildlife Refuge, which refuge was established in 1997 (and covers the Canadian Border to the ocean, 7.2 million acres, with 1.9 million acres within the state of New Hampshire).

- The new United States Fish and Wildlife Refuge, which was established in 2016, goes from the Silvio O. Conte across the state to Maine and to the ocean, down New Hampshire to the border (covering all of New England) and in to New York.

- Handbook explains how partnerships work with the federal government.

- Lots of federal programs.

- Maps show conservation partnerships throughout New England; in New

Hampshire it covers everything, but the White Mountain National Forest.

- Last handout covers a research group study on good and bad of conservation easements and discusses prearranged flips. She quotes, "in one example, the Nature Conservancy bought an easement for \$1.26 million, then directly sold it to the Bureau of Land Management for \$1.4 million. She went on to read, land trusts benefit because they can earn a profit off the taxpayer-funded arrangement.

- She is not against conserving land, but is against conserving towns not having any economic growth and that their taxes are so great the town cannot exist. This is when they are forced to sell their land for the same reason.

- Want to conserve lands that should be conserved in an area where there is great development, but not in an area that is economically challenged.

- Need to strike a balance between conservation and the ability to earn a living.

- Also need to find a way to track and monitor federal easements.

Bob Lord, Errol, New Hampshire, Coos County (in support):

- Lives in the middle of the Umbagog National Wildlife Refuge.

- In a state easement, state laws apply. Federal easements; federal supersedes all. Feds presently own over one-third of their town.

- They get no representation in Errol. He has asked Senators to come to Errol, state senators; no one will come to Errol. In the North Country "Live Free or Die" has meaning.

- Errol used to get timber tax revenue. With the feds it is much less because they are not cutting timber.

- His land is in current use. His taxes are lower because his neighbors pay more, but he allows his neighbors to use his land (snowmobiling, etc.). If he were to place an easement on his land, not only is the town helping him keep his taxes down, but they would be giving him a check.

- This will open eyes and slow things down.

- He believes New Hampshire will have an income and sales tax and property taxes will be through the roof because the federal government will own an abundance of property in New Hampshire.

- When a neighbor sells to the federal government it hurts his neighbors.

- Errol is a small village who are hammered by the federal government.

- They have an issue in Errol. He invites all to come up to Errol.

- He indicated he has invited Senator Jeanne Shaheen, Representative Annie Kuster, and has invited Senator Woodburn, but no one has come to Errol.

- He also mentioned that it would be nice to have more sand and salt up on their roads because they were glare ice on his trip down to Concord this morning.

Senator Carson asked Mr. Lord if he were issuing an invitation for her to come to Errol. If so, she presented Mr. Lord with her card. Mr. Lord stated she would be the first politician to come to Errol to speak to the people. Senator Carson said she would visit.

Senator Woodburn wanted to correct the record. Mr. Lord stated he wanted him to speak to the people of the town. Senator Woodburn said he was with Governor Hassan in Errol. Mr. Lord stated they did not speak with the people.

Joseph Cartwright, Tree Farmer, Alstead, New Hampshire; County Commissioner, Cheshire County, District 3 (in support) (testimony provided) (letter from County Commissioner explaining position):

- The Silvio Conte Wildlife Refuge encompasses most of Cheshire County.
- Eleven of the twenty-three towns in Cheshire County will be impacted by the United States Fish and Wildlife Service's current acquisition plan.
- If the acquisitions are completed, a number of the towns could exceed the current 5% limit for total assessed valuation within each town as stated in current law RSA 121:6. This could negatively impact the tax base of these towns, in addition to existing and future business development and employment opportunities.
- There is a current use law in the state of New Hampshire, which purpose is to keep open land. You would have to subdivide to change the current tax use. This would seem to be a deterrent to development by the present current use law. Presently, easements seem to be going after the current use land. Some are being paid to turn their current use land into an easement.

Chris Rietmann, Citizen, and on behalf of the Town of Alstead Select Board (in support) (testimony provided):

- Directly impacted by the plan which is federally approved expansion of the United States Fish and Wildlife Solvio O. Conte National Fish and Wildlife Refuge.
- They will purchase or acquire, through eminent domain, 25% of the assessed lands in the town of Alstead.
- U.S. Fish and Wildlife cannot take eminent domain off the table. There is no guarantee of fair market value. There is a fiscal impact when you move lands from privately-owned to federally-owned lands. The federal government does not pay taxes. They provide towns with a portion of the fees collected once they become part of federal ownership. In discussions with Fish and Wildlife that portion would equal twenty-five cents on the dollar. He believes, in reality, it is ten cents on the dollar.
- As a selectman for the town, he deals with budgets and tries to be fiscally responsible. If 25% of the area is removed from their tax base, they still have those costs.
- The town passed a warrant (last year) opposing the expansion of the Solvio O. Conte National Fish and Wildlife Refuge expansion by U.S. Fish and Wildlife. This warrant will be voted on again this year.
- Not a question of conservancy.
- In strong support of SB 136.

Senator Woodburn asked if under the Trump administration he would see policy change around this expansion and asked if the town's people are saying they will not sell. They are private owners selling their property and what is being done locally? Mr. Rietmann was not sure about the Trump administration changing this expansion. At the local level there are people who are willing to resist the temptation of selling for easements. The question is, is the federal government the proper buyer.

Summary of testimony presented in opposition:

Representative Susan Smith, District 8, Grafton County (in opposition) (testimony provided):

- Identical bill passed the House in her committee last year.
 - The difference in the law that was passed in 1935 and this legislation is that it includes conservation easements, which have never been part of the 2% total land mass, excluding the White Mountain National Forest, or the 5% community.
 - Parameters of a conservation easement are worked out between the agency and private property owner.
 - If this legislation becomes law, conservation easements will be included.
 - If she wants to conserve her land with a federal agency, she will need to provide this information to DRED to review information and make sure everything is completed correctly, and contact the town in which the land is being placed in a conservation easement, inform the governing body, and the town needs to have a public hearing prior to property owner placing land into conservation. Information from the public hearing goes to the Governor and Council who approves private property owner's placing their land into a conservation easement. Private property owner still owns this land and pays current use tax.
 - This legislation is interfering with private property ownership.
 - Last year RSA 121:6-a passed and requires the DRED to report to Governor and Council every year how much land is owned by the federal government to make sure the amount is not above the 2% maximum. To date, the federal government is at .79% ownership.
 - Land Use Board issue does need to be updated within the law.
 - Conservation lands are owned by owner; conservation easements are held by the federal government. Property owners still pay taxes.
 - Conservation easements should not be put into this bill.
- Senator Carson** asked Representative Smith what would happen if she decided to sell the property that is in a conservation easement. Representative Smith stated that conservation easements are written in perpetuity, which prevents future development unless portions are held otherwise.
- Senator Carson** asked why conservation easements should be held in perpetuity. Representative Smith stated that was the nature of conservation easements.
- Senator Fuller Clark, District 21 (in opposition):**
- The bill deals with land which is sold outright and land that is put under conservation easements.
 - Conservation easements are in perpetuity is when an owner decides to place land under a conservation easement, they can take a major federal tax deduction of the value of the land and lower the value of the land by limiting what can happen to the land. Once this tax deduction is taken (at the federal level) you cannot later on profit from selling that land and removing the easement.
 - Easements are created for a variety of reasons.
 - Conservation easements are created because those owning the property believe the land has value for the future and needs to be protected.
 - Conservation land does a number of things: assists in the protection of clean drinking water, because if the land were developed it would lower the access to clean drinking water. It protects wildlife and wildlife corridors.
 - Look beyond testimony where it indicates conservation easements harm

communities. This is an excessive claim stating that conservation easements harm the economic viability of a community and impact negatively on its property taxes.

- If it is the intent of the committee to pass this legislation, please re-refer and take a closer look at all aspects of this legislation, i.e., private property rights.

- **Senator Fuller Clark** stated that easements are owned by an outside entity who oversees stewardship of the land going forward to make sure the land is properly managed.

Parker Griffin, Newfound Land Conservation Partnership (NLCP), Hebron, New Hampshire (in opposition):

- Chairs the Newfound Land Conservation Partnership, dedicated to furthering land conservation in Newfound Lake watershed which is 63,000 acres, with 12,000 acres conserved.

- Eighth clearest lake in the United States.

- When a landowner donates or sells an easement, they are donating or selling the development rights on their land. Development rights are extinguished.

- Terms of easements are agreed by property owners and whoever will hold the easement. It is a transaction which exists between a property owner and another entity.

- Is in opposition to this legislation because, firstly, it stops the longstanding and extremely successful partnership between the federal government and the New Hampshire citizens; it is an infringement on equal freedom and liberty; and, it is ironic a republican administration which precedes the overreach of the federal government would suggest this legislation, an infringement on private rights.

- Limitation on role of federal government with the 2% including easements on land owned by New Hampshire individuals would already make us exceed the 2% limitation.

- More land in easements, the lower taxes you have because you have fewer infrastructures.

- The Town of Hebron has the lowest taxes in the state of New Hampshire. The higher the conservation land you have, the lower your taxes will be.

Senator Woodburn stated conservation is great or it is horrible, in reality it is a bit of both. **Mr. Griffin** said there are parts of New Hampshire that are suffering because of the land easements, but there are also parts of New Hampshire which are thriving. He does not believe cutting off federal cooperation makes sense. Why would you stop the ability of an individual to donate or sell their easement, maintain ownership of property, and continue to pay taxes?

Chris Wells, Executive Director, New Hampshire Land Trust Coalition (in opposition) (testimony provided):

- An umbrella organization for thirty private land trusts throughout the state.

- This legislation would insert the governor of the state of New Hampshire in to private landowner transactions on a willing seller or a willing donor basis with a federal agency. Whether this is constitution would be questioned if landowners would be aggravated enough to sue on willing private land transactions.

- One fundamental is how much is enough and how much is too much, and what is too much based on.

- What is any percentage based on, and what is the data behind that, that there

should be a cap? Question would be, is that a state-wide cap, a regional cap, etc.

- This legislation is trying to put a state-wide solution to what is sounding to be largely a regional problem.

- If this legislation were to study this issue for a while maybe questions would be answered, for example, is a state-wide issue appropriate to the problem that is trying to be resolved, if there is a problem.

Roger Stephenson, Stratham, New Hampshire (in opposition) (testimony provided):

- Voluntary Board Member of the Southeast Land Trust of New Hampshire and on the Ad Hoc Land Protection Committee in Stratham, New Hampshire.

- SB 136 has no basis in good governance.

- Pursuing a conservation easement requires a great deal of negotiation.

- At times they work several years with landowners to make sure the easement fits their understanding.

- This legislation is silent on easements, one reason he is against it.

- The Attorney General's office discussed constitutionality. There are areas with this bill which are troubling.

- He requests this bill to be re-referred or inexpedient to legislate.

- What if the Governor and Council approves with "new" conditions that the landowner is not aware of. This would be unworkable.

Sandy Goodspeed, Epping, NH (in opposition):

- On the Conservation Commission in Epping.

- The Conservation Commission voted to speak in opposition to this legislation.

- New Hampshire is made up of many diverse communities. Respects and sympathizes with the people of Errol and the North Country; their situation is different from those in the south where it is more developed.

- Is it correct for the state to levy a law which benefits one region of the state and not benefit the other?

- Supports development and conservation, but there needs to be a balance.

- Epping looking to conserve more land. Passage of this legislation would affect Epping's ability to conserve more land.

- Sponsor stated that communities should decide and she believes that they should, and that the state should not.

Brian Hart, Executive Director, Southeast Land Trust of New Hampshire, Exeter, New Hampshire (in opposition) (testimony provided):

- Serves 52 towns, in Rockingham and Strafford County.

- Non-profit land conservation organization who works in partnership with landowners and communities to meet mutual goals.

- Believes some statements which have been made need to be clarified.

- Sponsor's intention in this bill would include "shadow" easements. The federal government does not want to hold a conservation easement directly.

- Landowner agrees to conserve property, negotiate with town or a non-profit, reach an agreement on the sale price based on appraisal, a substantial application is then made to the federal government, which shows the property is eligible and the seller is eligible as a landowner. There are income eligibility requirements.

- Grant funding is provided to land trust and based on the fair market value.

- Grant is only for the easement.
- This program would be impacted by this legislation; the language “primary easement holder” is unclear. This language was added to the legislation from the legislation that was brought forward in 2016.
- In opposition to the bill because the inclusion of language for easements is problematic. It suggests easements, which are federally funded, have the same impact on a community as those of federal ownership.
- One size fits all bill has consequences that are not intended.
- Current use and a conservation easement are very different.
- Current use is recognition by the state, land that is not developed should be taxed at its current use. If you enroll in current use and then decide to develop you pay a 10% penalty to the town.
- Conservation easement, the state law requires assessing the land with restriction in mind, and typically the town continues to assess at current use. Currently, the land is already in current use, so there is no change in taxes to the town.

Barbara Richter, Executive Director, New Hampshire Association of Conservation Commissions (NHACC) (in opposition) (written testimony):

- Non-profit membership organization to foster and protect New Hampshire natural resources.
- The legislation creates issues for municipalities, i.e., assessing property, leading to increased tax costs for taxpayers. It will also cause unnecessary work at the municipal level requiring towns to go through an additional valuation process to determine highest and best use of a conservation easement value.
- Hinder the ability of conservation commissions to protect natural resources.
- Requiring a certificate of compliances from DRED will slow down the process.

Rob Wofchuck, Self, Brentwood, New Hampshire (in opposition):

- Chair of Brentwood’s Conservation Commission.
- This legislation does interfere with landowners’ rights to pursue a transaction.
- Their town has protected a lot of land, and has dozens and dozens of easements, many held with matched funding from federal and state grants.
- Benefit to the town.
- The town passed an open space bond, leveraged by \$7 million in easements by other funding sources, allowing the taxpayers to save a lot of money.
- Ironic that this bill is keeping the federal government out, but letting the state tell the towns’ residents what they can do with their land.

Jim O'Brien, Director of External Affairs, The Nature Conservancy and Matt Leahy, Public Policy Manager, Society for the Protection of New Hampshire Forests (in opposition) (testimony provided by Society for the Protection of New Hampshire Forests):

- Mr. Leahy stated this legislation was an infringement on private property rights and impacts conservation easements.
- The underlying assumption of this bill in federal land ownership is detrimental to New Hampshire communities. The Society for the Protection of New Hampshire Forests disagrees with that assumption.
- White Mountain National Forest covers about 800,000 acres of federally-owned

land. This is an economic boom for the state.

- Prior to setting a state policy, which will infringe on private property rights, a deeper discussion on the impacts on federal land ownership needs to happen.

- This legislation will make a fundamental impact on values cherished in this state.

- Jim O'Brien pointed out on the amendment, line 30, puts the burden on a property owner to inform DRED, and to receive an approval to move forward with a land transaction. Cannot recall any other state where the state places the burden on the property owner.

- They work with private property owners who put their land in conservation, which is a personal decision.

- There is an issue of enforcement which this bill does not speak to. What would happen if by putting the burden on the private land owner they decide not to go to DRED due to not understanding the statute? What penalty would the state place on the private property owner? There is language that says the approval goes into their title. The bill does not address a "clouded" title.

- What is the state trying to do in terms of enforcement? There is no mention in statute.

- Believes this legislation creates more unintended consequences than it solves.

Senator Carson stated there are regional differences. Living in southeast New Hampshire, they are big on conserving land. This area is very different than where Mr. Lorde lives in the North Country. In the Alstead area (a very small town), through this process the federal government comes in and buys up a good portion of the town. This needs to be looked at regionally. What do you say to a community when the federal government comes in and buys 30% of their community. Mr. O'Brien stated some of these wildlife refuge areas do not have the resources to buy everything they intend to look at. If U.S. Fish and Wildlife were going to purchase land, Mr. O'Brien believes they would want local support, and not purchase where communities do not want them.

Cindy Bloom, Resident of Nottingham, New Hampshire (in opposition):

- Has seen property values near state parks sore.

- Recently had a developer who wanted to develop 18 lots on a mile and one-half stretch of road. This would have increased the traffic on their road by approximately fifty percent. Many people did not want this area further developed. Some of the people joined and raised enough funds to purchase the land from the developer. Much of this land was wetlands.

- Because of this legislation they are fearful the conservation easement they thought they could sell to preserve the character of their road, may now not be available to them.

- Value to community in having conservation easement on lands is it protects property from overcrowding and maintains the characteristics of the neighborhood. -

Their town is not interested in development.

Susan Pratt Mooney, Resident, Nottingham, New Hampshire (in opposition):

- She was one of the abutters of the property that was purchased from the developer.

- She is on the Conservation Commission in Nottingham, and presently sits on

- Their property taxes are some of the lowest in the state.
- Thomas Crane, Meredith, New Hampshire (in opposition):**
- Speaking to one issue which is the inclusion of easements in this legislation.
 - Understands about the federal government not taking New Hampshire land which is well protected with the restriction of no more than 2% of state's land can be taken by the federal government.
 - When a conservation easement is placed on land, property is still taxed (same as current use).
 - You have a situation where you do not have development, nor the infrastructure and schools, the other things that raise taxes, but you are getting income from that. Although reduced income, it leads to a positive cash flow for the town.
 - Where there is unfettered development there are high taxes. Wherever there is open land and conservation land the taxes are lower.
 - This legislation is adding government bureaucracy and attacking a problem that does not exist.
 - The 2% law protects us from federal taking of land.

Summary of testimony presented in neutral position:

Brad Simpkins, Director, Division of Forests and Lands, New Hampshire Department of Resources and Economic Development (DRED) (neutral position) (testimony provided):

- DRED does not take a position on the policy of this legislation, but testifying on the process and procedure because DRED would administer this legislation if passed.
- They support the amendment presented which clarifies the issue on the valuation of property. Within the legislation as introduced there is confusion on "appraisal" vs. "assessment", the amendment clarifies that confusion.
- The bill as introduced would require a new form (certificate of compliance) filed with a deed and would require rulemaking by the agency. That is done away with in the amendment presented today, but it would have to be approved by the Governor and Council prior to the deed being recorded. The amendment simplifies this process.

Attorney Anne Edwards, Attorney General's Office (neutral position):

- Speaking on information not policy issues.
- Their office has concerns with RSA 121, specifically the language in the bill and in the amendment.
- Problems with constitutionality or unconstitutionality with respect to certificate needing to be recorded at the registry of deed or the notice of approval by Governor and Council.
- Private land owners have the right to sell their land; direct interference with this sale can be raised by individuals in the court system and claims of constitutionality with respect to a statute that interferes with that right in their ability to transfer said property.
- Presently in RSA 121, there is not this additional step requiring a certificate to be filed at the registry of deed or a notice of approval by Governor and Council. This impacts people's ability to record deeds and to sell their land. This is likely to bring litigation.

this sale can be raised by individuals in the court system and claims of constitutionality with respect to a statute that interferes with that right in their ability to transfer said property.

- Presently in RSA 121, there is not this additional step requiring a certificate to be filed at the registry of deed or a notice of approval by Governor and Council. This impacts people's ability to record deeds and to sell their land. This is likely to bring litigation.

- There are equal protection concerns with respect to treating similar sales differently. Under the presented legislation and amendment, it only impacts federal acquisitions (easement or fee ownership). Other sales, for example, to the state for conserved land, or a state non-profit would not require this certificate. This raises equal protection concerns individuals could raise in litigation.

Future Action: Pending

dac
Date Hearing Report completed: March 14, 2017

SB0136-F

Speakers

SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE

Date: March 8, 2017 Time: 9:30 a.m. Public Hearing on SB 136

SB 136 – eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep Suzanne Smith	Grafton 8
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Anne Cartwright	Self
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Joseph Cartwright	Cheshire County Commissioners
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ART BINGHAM	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bob Lord	Errol, N.H. + Coos Co. CTY.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Judith Spang	Staff. 6
<input checked="" type="checkbox"/>	<input type="checkbox"/>	PARKER GRIFFIN	NLEP
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Bob Giuda	SD#2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Bruce Simpkins	NHDRED
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Senator Sanborn	Dist. 9
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sandra O. Salo	Self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	John S. Salo	SELF
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Chris Rietmann	Town of Alstead Select Board
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Chris Wells	NH Land Trust Coalition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Roger Stephenson	Stratham
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sandy Goodspeed	Epping
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brian Hart	Southeast Land Trust and NH
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barbara Richter	NHACC

Written testimony

SENATE EXECUTIVE DEPARTMENTS AND ADMINISTRATION COMMITTEE

Date: March 8, 2017 Time: 9:30 a.m. Public Hearing on SB 136

SB 136 - eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Please check box(es) that apply:

SPEAKING FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rob Wolfhuck	self
<input type="checkbox"/>	<input type="checkbox"/>	Mark Glowacky	self
<input type="checkbox"/>	<input type="checkbox"/>	Martha Twombly Hebron	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sen. Ruth Ward	SD # 8
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Matt Leahy	Forest Society
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Anne Edwards	Attorney General's office
<input type="checkbox"/>	<input type="checkbox"/>	Susan Pratt Mooney	self
<input type="checkbox"/>	<input type="checkbox"/>	Robert E Mooney	self
<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROSEMARY LANDRY	
<input type="checkbox"/>	<input type="checkbox"/>	Jen Fuller-Clark	SD # 22
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas Crane	Meredith
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For information

Testimony

I speak today in opposition to SB 136.

Particularly, I believe that the legislation usurps the rights of owners of private property.

How? I have 200 acres which I would like to protect. I work with my local land trust and after doing our homework, we decide that my best option is to go for a grant from Natural Resource Conservation Service - a federal _____. After we decide on the purpose of the easement, restoring wetlands, NRCS agrees to fund the project and they will hold the conservation easement on the property.

I will still own the property. I will still pay taxes on the property, but the federal government NRCS will hold the conservation easement.

If SB136 becomes law,

page 3 lines 15 and 16, this bill changes the definition of acquisition from PURCHASE by FEDS to include easements where the federal government is the primary holder of the easement.

What does this mean?

Information about my proposed easement agreement with NRCS needs to be provided to DRED.

Within 30 days after receiving this information, DRED is required to inform by letter the governing body of my town where the land is.

THEN, my town needs to hold a public hearing.

After this -- or at least I believe it is after this - DRED submits that all the criteria has been met to governor and council and they will have to authorize my easement.!!!

Sounds like overkill to me. As the RSA reads now, all of this would need to happen for PURCHASES by the federal government. Do we really need to include conservation easements in this legislation?????

And let's not forget that if my easement brings the total of land owned or held in easement by a federal agency to more than 2 percent of the state's overall land mass, the deal is OFF.

OR if there are other properties in my municipality which are held in Forest Legacy or Agricultural Protection programs through the USDA and my easement brings that total to 5% of the town's total assessed valuation - as done through a complicated certificate of compliance formula, then the deal is OFF... unless the town votes to allow me to put my land into conservation.

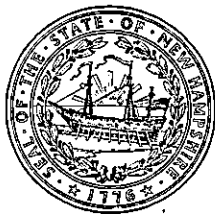
In 2016, the legislature amended **121:6** and added-a **Report on Federal Landholdings**. – The commissioner of the department of resources and economic development shall annually prepare and file a report on the current inventory of federal landholdings within the state and calculate what percentage of New Hampshire land is held by the federal government in accordance with RSA 121:6.

During this public hearings on that legislation, we learned that currently **ONLY point 79 percent** of NH"s land area covered by RSA 126 is owned by the Federal Government..

Adding conservation easements to this equation will quickly bring the state to the 2 percent maximum acquisition number. Currently in my area local groups are working with the Forest Legacy program to protect 6500 acres of working forest along the Beebe River...the work there will make the Beebe a world class trout stream. The money is coming from the Forest Legacy program. How will this affect the arbitrary 2 percent limit?

I'll stop here b/c there are others who have a lot to say, but please vote this bill ITL.

#2



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION OF FORESTS AND LANDS
172 Pembroke Road, Concord, New Hampshire 03301

603-271-2214
FAX: 603-271-6488
March 8, 2017 www.nhdfl.org

The Honorable Sharon Carson, Chair
New Hampshire Senate
Executive Departments and Administration Committee
Legislative Office Building, Room 101
Concord, NH 03302

Re: SB 136 – AN ACT eliminating the land use board and requiring approval of federal land acquisitions by the governor and executive council

Dear Chairperson Carson and Members of the Committee,

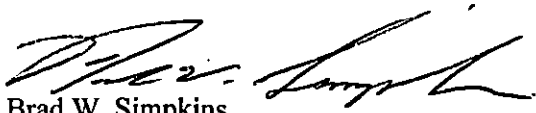
Thank you for the opportunity to testify regarding SB 136, which would eliminate the Land Use Board and institute a new process for federal land acquisitions. The Department of Resources and Economic Development (DRED) does not take a position on the policy aspects of the bill, however, as the agency that would administer the law we wanted to provide comments on the process.

We are aware there is an amendment to this bill as requested by Senator Guida, and we support that amendment. While the process in the current bill is largely the same as the previous version from last year's session, the amendment makes two important changes. First, it would clarify the issue of appraisal verses assessment when determining the value of the parcel as related to the total assessed valuation of the town. The introduced version is somewhat confusing because it would not be comparing apples to apples. The second important change the amendment makes is to make the process of recording the deed more efficient. The introduced version requires a newly-created form and rulemaking. However, the amendment would simply require proof of the passage of the Governor and Council item. This accomplishes the same intent but does so more efficiently.

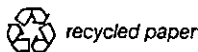
DRED has been working closely with the Legislature on the issue of federal land acquisition since the beginning of last session. As this committee is aware from hearings from last session, adherence to current law has been spotty at best. While DRED takes no official position on this bill, our end goal is to conserve our state's special places in need of protection, while at the same time doing so in an open and transparent manner with input from our citizens.

Once again, thank you for the opportunity to testify concerning SB 136. If we can provide any additional information, please let us know.

Respectfully,


Brad W. Simpkins,
Director

cc: Jeffrey Rose, Commissioner, DRED



Testimony of Rep. Judith Spang

SB 136, An Act eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

March 8, 2017

Chair Carson and Members of the ED&A Committee:

SB 136, even with its proposed amendment, has impacts beyond the explicit goal of preventing excessive federal intrusion into the State of NH.

First, it represents an unwarranted and perhaps unconstitutional assault on the rights of property owners to conduct private transactions with a party of their choice. My family chose to sell an easement on its 100 acres to the federal Natural Resources Conservation Service's wetland reserve program. We chose the NRCS over a number of nonprofit land trusts because it provides us with help in managing our land for timber, wetlands resources and wildlife.

Under SB 136, if the inclusion of easements into RSA 121:2 caused NH to reach the 2% cap, we would not have been able to sell our easement to the buyer of our choice, the federal NRCS. I do not understand how the Governor and Council can have a legitimate role to play in deciding a private business transaction involving private land.

Secondly, although the bill purports to protect the tax base of municipalities, in fact it could impose substantial additional costs on them. While most municipalities have land that they consider a high priority for conservation, many do not have the ability to negotiate the purchase of land or easements, or hold and monitor conservation lands over the long term. They instead seek the help of the various federal agencies to protect farmland, important wildlife habitat, timber resources and recreational land. The larger agencies such as US Fish and Wildlife and National Parks Service are envisioned with this bill, but there are other agencies and programs that municipalities rely upon extensively for more local conservation projects that will also be subject to it.

Finally, the date for the Applicability of the bill to any transfer in which the purchase and sale agreement has been executed on or before August 1, 2017 is inadequate. A land or easement transaction takes at least a year to be finalized, so the Applicability should be at least 16 months from the effective date of the bill.



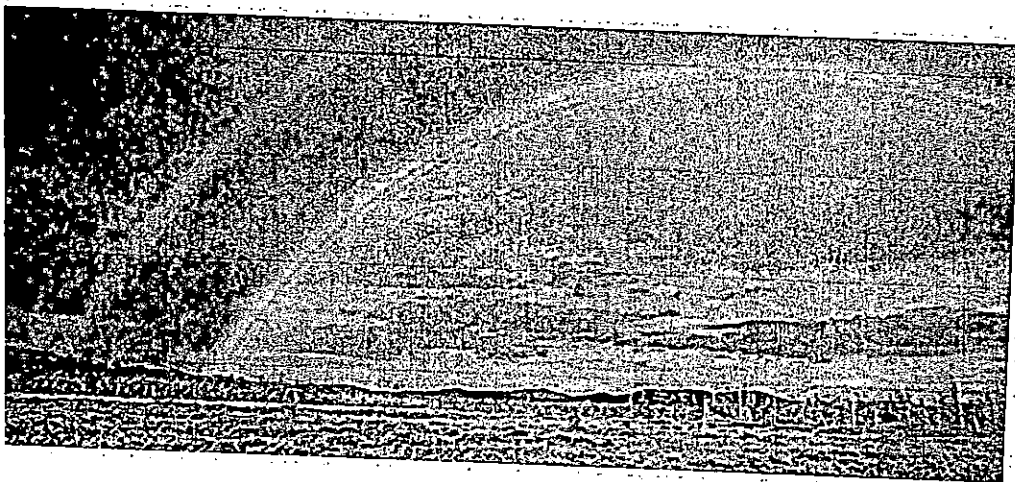
Umbagog

National Wildlife Refuge | Maine and New Hampshire

A UNIT OF THE
National Wildlife
Refuge System

#4

About the Refuge



Umbagog National Wildlife Refuge, spanning northern New Hampshire and Maine, welcomes you to its forests, wetlands, lakes, and rivers. The refuge was established in 1992 with the primary purposes of protecting wetlands and wetland-associated wildlife and to protect migratory birds.

[Umbagog National Wildlife Refuge brochure \(uploadedFiles/Region 5/NWRS/North Zone/Lake Umbagog/UmbagogBrochure.pdf\) \(pdf\)](#)

Umbagog National Wildlife Refuge Vision Statement

We envision Umbagog National Wildlife Refuge as an essential link in the network of conservation lands in the Northern Forests. We will practice science-based, adaptive management in a working forest landscape and provide an outstanding center for research. We will achieve this through strong partnerships with State agencies, conservation organizations, land managers, and neighboring communities.

Our management will perpetuate the diversity and integrity of upland spruce-fir and northern hardwood forests, boreal and riverine wetlands, and habitats for the continued health of native fish and wildlife populations. These habitats will provide an important regional breeding area for migratory land birds, waterfowl, and other species of regional significance, such as the common loon and bald eagle.

Visitors of all ages will feel welcome to enjoy the full complement of priority wildlife-dependent public uses. We will foster their knowledge of and support for conserving northern forest habitats through exceptional outreach and visitor programs. We want all our visitors to return home filled with enthusiasm for promoting and practicing resource stewardship in their own communities.

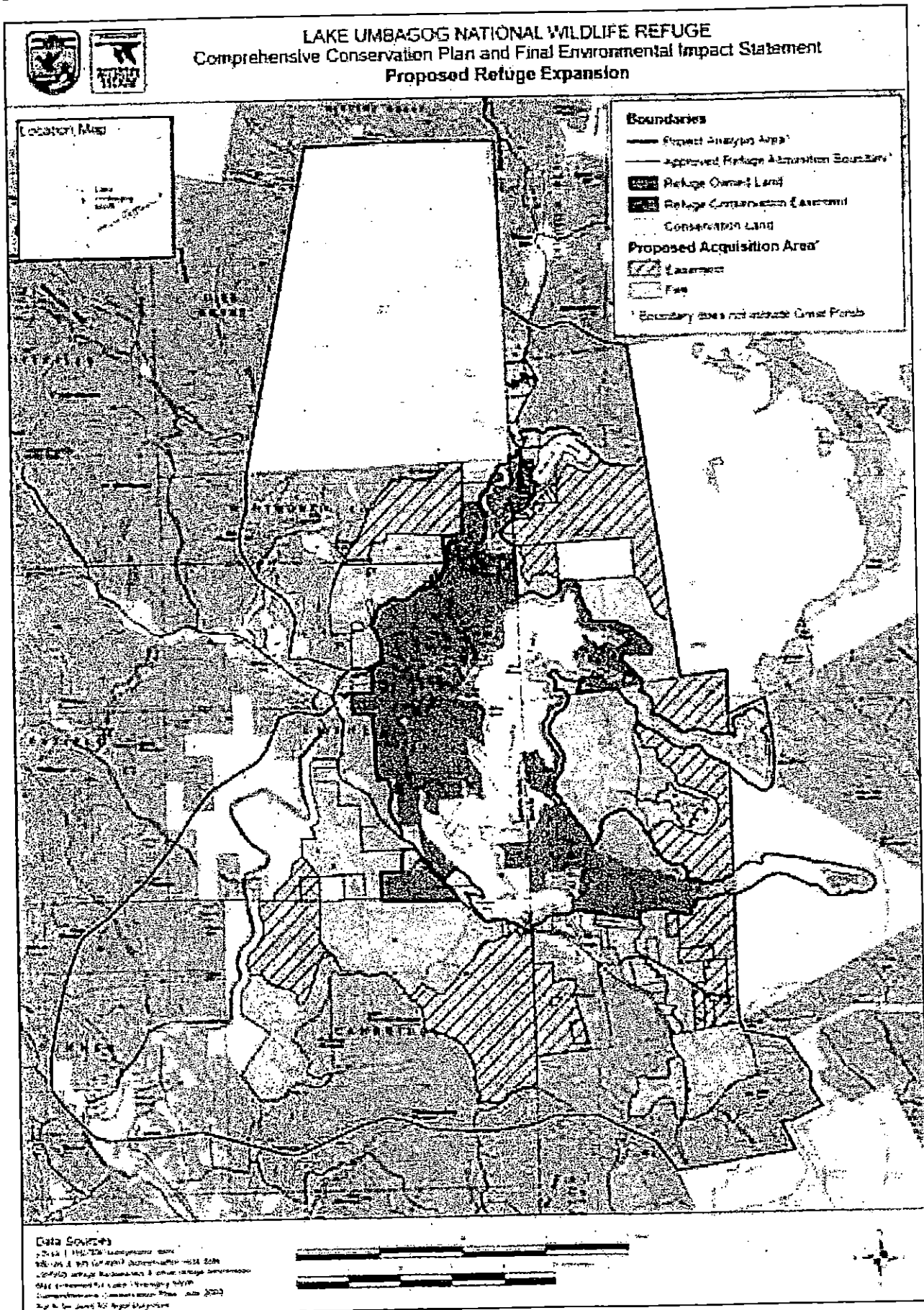
Neighboring residents of neighboring communities in Maine and New Hampshire will value the refuge for enhancing their quality of life. Within the National Wildlife Refuge System, the refuge will be treasured for conserving Federal trust resources and providing inspirational outdoor experiences for present and future generations of Americans."

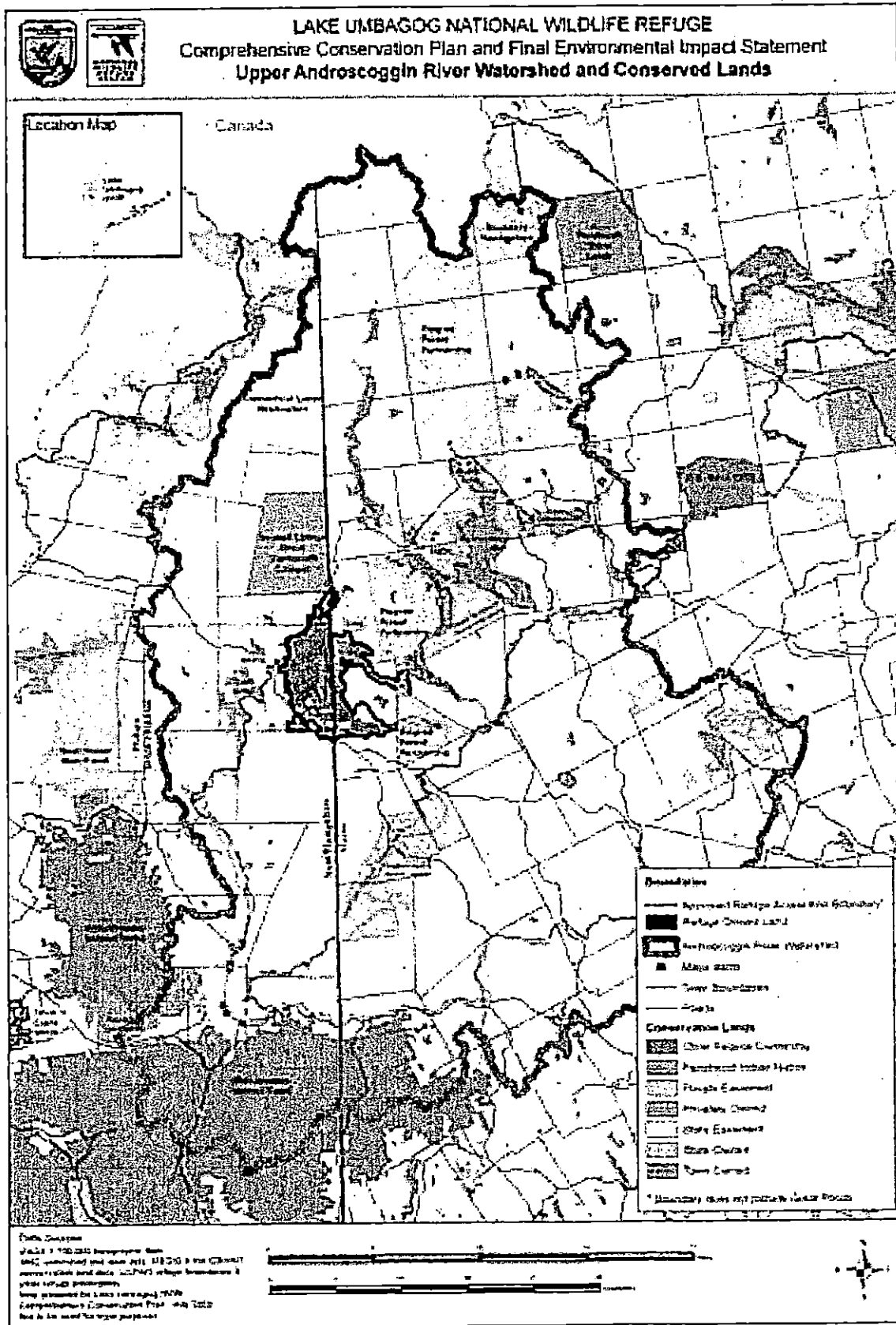
Umbagog National Wildlife Refuge Purposes

- To conserve wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions (Emergency Wetlands Resources Act of 1986)
- For migratory bird management purposes (Migratory Bird Conservation Act (February 18, 1929))
- Development, advancement, management, conservation, and protection of fish and wildlife resources (FW Act of 1956)
- For the benefit of the U.S. Fish and Wildlife Service in performing its activities and services (The Fish and Wildlife Act 16th USC 742f(b)(1))

National Wildlife Refuge System Mission and Goals

The mission of the System is to administer a national network of lands and waters for conservation, management, and where appropriate,







Refuge Planning

Northeast Region

4-A

[Planning Home](#) [Policies & Budget](#) [Comprehensive Conservation Plans](#) [Land Protection Plans](#) [Special Designations](#) [Step-Down Plans](#)



Shrubland habitat, Sandwich, Massachusetts/USFWS

Great Thicket National Wildlife Refuge

New Refuge Approved!

We are pleased to announce that in October 2016, Dan Ashe, Director of the U.S. Fish and Wildlife Service (Service), and Wendi Weber, Northeast Regional Director of the Service, approved Great Thicket National Wildlife Refuge (NWR; refuge)—a new refuge dedicated to managing shrubland habitat for wildlife in the Northeast.

Alternative B was selected from the final Great Thicket NWR Land Protection Plan and Environmental Assessment (LPP/EA). The Service may now acquire up to 15,000 acres of wildlife habitat from willing landowners as part of the refuge. The final plan depicts 10 Refuge Acquisition Focus Areas (RAFAs) in New England and New York which represent the outer boundaries of areas of interest.

Summary of Public Comment on the Draft LPP/EA

We initially released the draft LPP/EA for 45 days of public review and comment from January 19 to March 4, 2016. In response to several requests, we subsequently extended the public comment period another 30 days.

During the comment period, we held information sessions upon request. Two were held in Maine, three in New Hampshire, two in Massachusetts, two in New York, one in Connecticut, and six in Rhode Island. Audiences included sportsmen's groups, land trusts, and town and county officials. All six Congressional delegations were contacted initially via email, and follow-up phone calls or in-person visits occurred with most district staff offices.

After the 75-day public comment period ended, we compiled all of the comments we received. In total, we received 6,064 written comments, of which 5,523 were a form letter in support of the proposal. We also received one petition signed by approximately 2,455 individuals in support of the proposal. All comments received are summarized and responded to in appendix C of the final LPP/EA.

Changes from Draft to Final LPP/EA

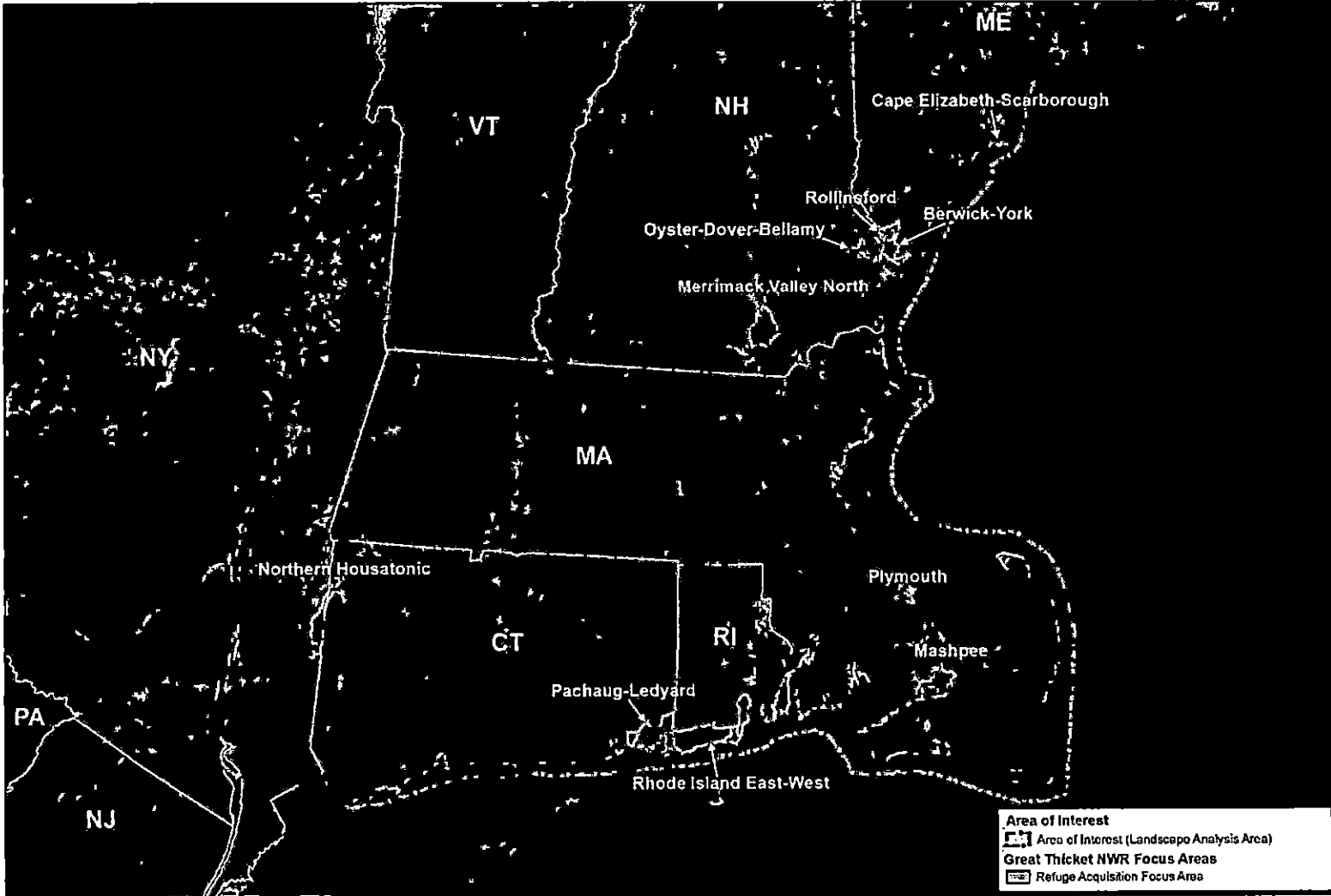
Modifications to alternative B from the draft to final LPP/EA include minor corrections or changes in response to public and partner comments on the draft plan. For example, we reduced the Plymouth RAFA in Massachusetts in order to better complement the priorities of the Massachusetts Division of Fisheries and Wildlife in this area. Our target for Service acquisition remains at 500 acres in this RAFA. We also modified the Northern Housatonic RAFA to complement the interests of Dutchess County, New York and our conservation partners in that area. Our target acquisition remains at 2,000 acres in this RAFA. Appendix C in the final plan includes more details on these changes and our responses to other comments we received on RAFA boundaries.

[Click here to access the final LPP/EA document.](#) To request the document in print or on CD-Rom, contact Beth Goldstein, Natural Resource Planner, at beth_goldstein@fws.gov or (413) 253-8564.

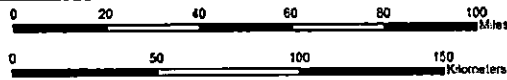


U.S. Fish & Wildlife Service Great Thicket National Wildlife Refuge

Area of Interest



This map is not intended for use as a land survey or as a representation of land for conveyance or tax purposes. For more information visit the USFWS Northeast Region GIS website at <http://northeast.fws.gov/gis/>

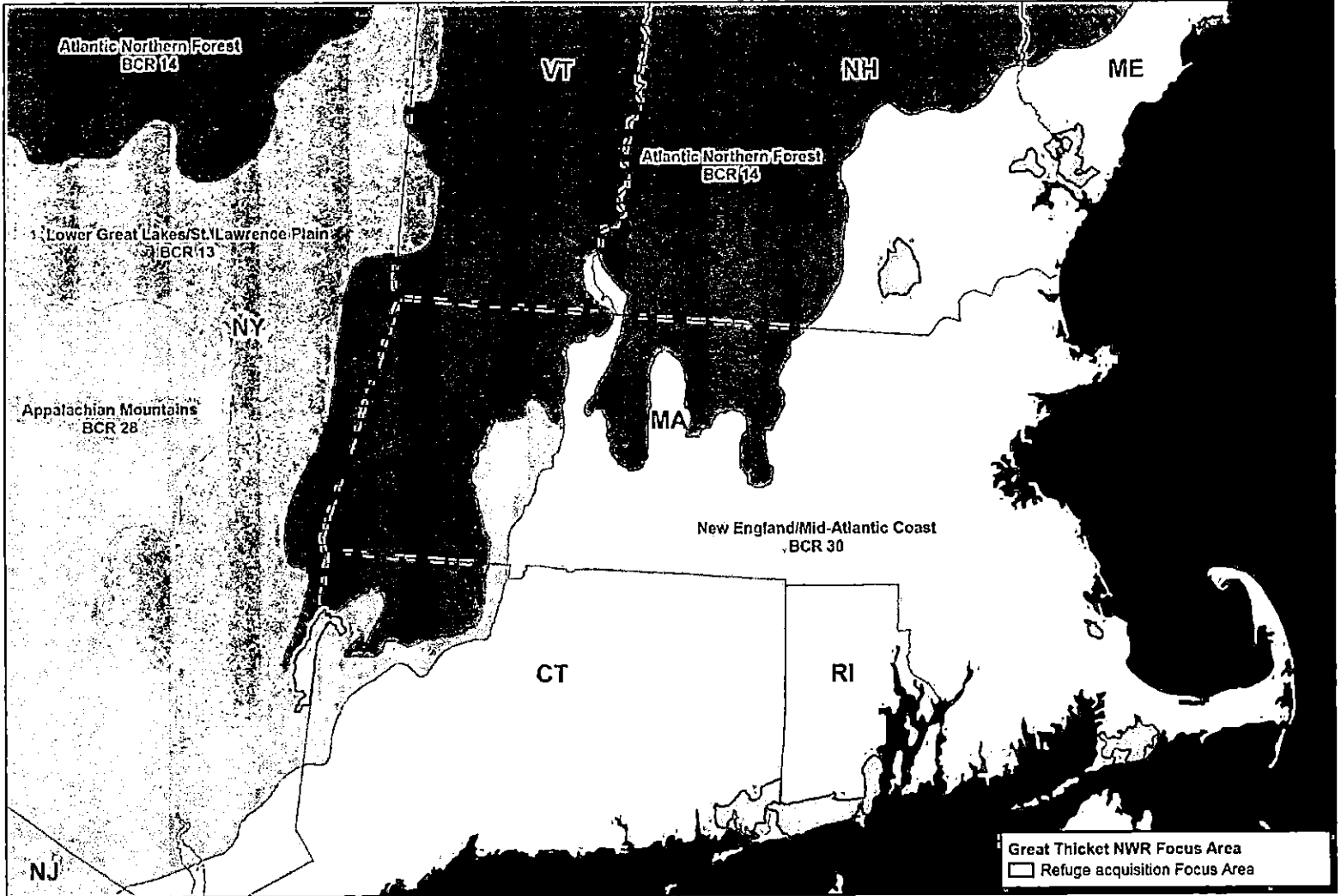


Map 2: Area of Interest

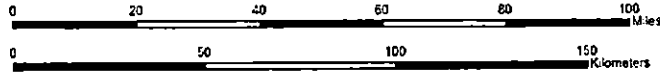
Purpose of this Proposal



U.S. Fish & Wildlife Service *Bird Conservation Regions*
Great Thicket National Wildlife Refuge



This map is not intended for use as a land survey or as a representation of land for conveyance or tax purposes. For more information visit the USFWS Northeast Region GIS website at <http://northeast.fws.gov/gis/>



NOTE: Bird Studies Canada and NABCI. 2014. Bird Conservation Regions. Published by Bird Studies Canada on behalf of the North American Bird Conservation Initiative

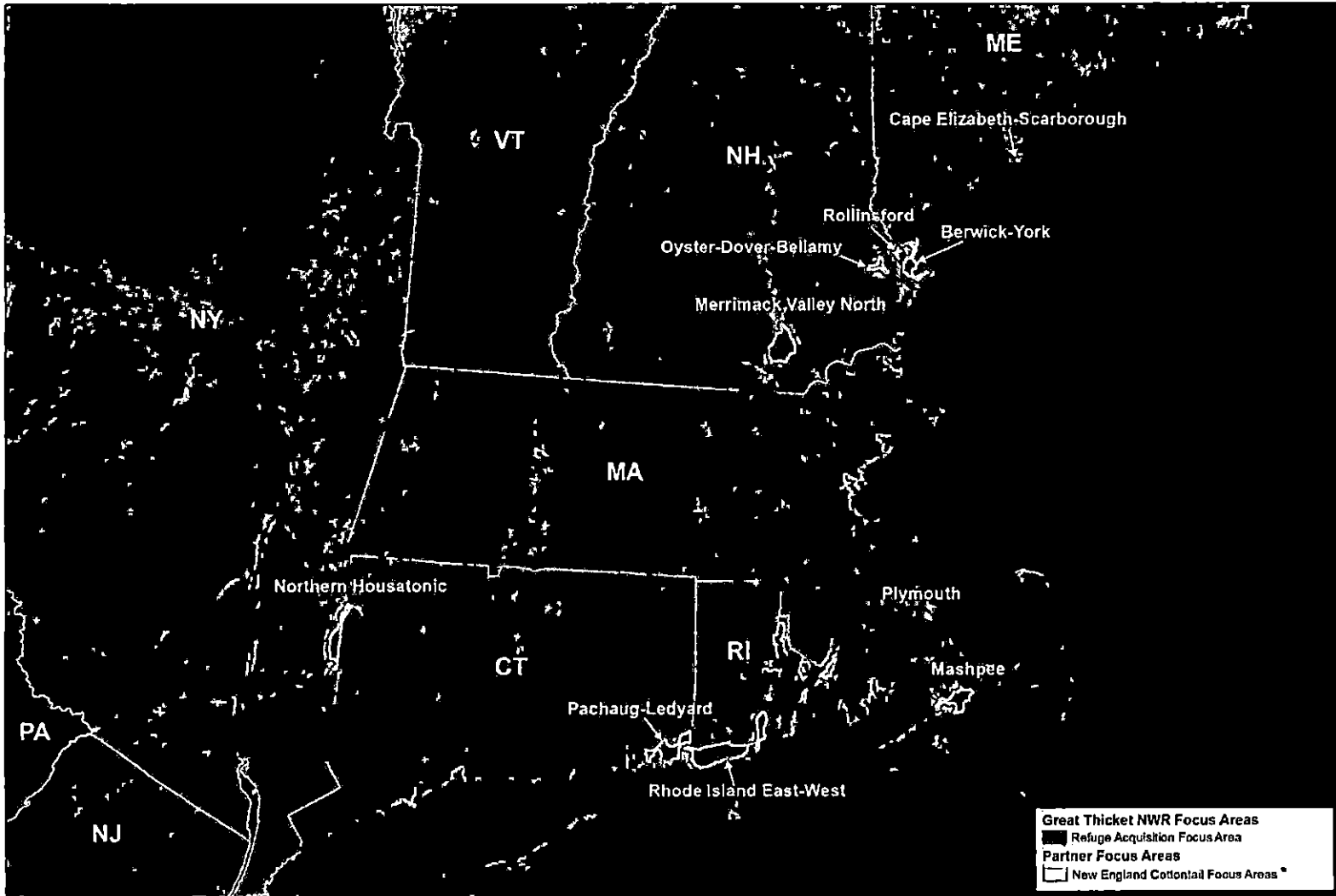


Status of Shrubland-Dependent Wildlife
 Map 1: Bird Conservation Regions

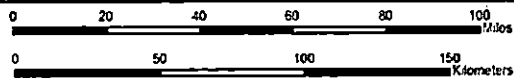


U.S. Fish & Wildlife Service
Great Thicket National Wildlife Refuge

Refuge Acquisition Focus Areas: Overview



This map is not intended for use as a land survey or as a representation of land for conveyance or tax purposes. For more information visit the USFWS Northeast Region GIS website at <http://northeast.fws.gov/gis/>



* Fuller, S. and A. Tur. 2012. Conservation Strategy for the New England Cottonial (*Synlagus transianalis*).



Map 3. Proposed Refuge Acquisition Focus Areas: Overview

Alternative B – The Service-Preferred Alternative

The Regional Conservation Partnership Handbook

10 Steps to Effective and Enduring Collaborative Conservation at Scale

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Gannet Woods/ Jane Davis / Kennebec Land Trust



Wildlands & Woodlands

A Vision for the New England Landscape

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The RCP Network - Overview

People across the region are banding together in Regional Conservation Partnerships (RCPs) to increase the pace and scale of land protection. This is the exciting new face of conservation in New England.

What are RCPs?

RCPs are generally informal networks of people representing private and public organizations and agencies that work together to develop and implement a shared, long-term conservation vision across town and sometimes state and international boundaries.

Check out our interactive map of RCPs. You may need to download Microsoft's Silverlight 5. This is a free plug-in that can be downloaded [here](#).

The Role of Regional Conservation Partnerships (RCPs)

More than 80 percent of New England is in private hands, much of it in small family ownerships. New England launched the original land trust movement as an effective strategy primarily to help local residents and landowners conserve individual parcels of land. As ecological awareness grew, land trust/agency partnerships emerged to protect larger or connected parcels. In the 1990s, land trusts started establishing ongoing collaborations to move beyond "random acts of conservation" and to protect larger landscapes and whole ecological systems. These longer term collaborations often included town leaders, state and federal agencies, academic institutions, conservation organizations,

boundaries. However, we are finding that conservation easements are becoming more popular and appreciated by landowners who wish to conserve their properties, receive some financial benefits, and keep the land in traditional uses. To that end, and given the unique legislative mandate for this refuge, we will emphasize the use of wildlife conservation easements for habitat management and/or public access for compatible outdoor recreation as an important tool of our land protection strategy.

Ultimately, it is the landowner who will determine what, when, or even if, land is purchased to become refuge. With available funding and an agreement in terms and price between the Service and the owner, land can be protected. The actual configuration of the purchase could include the whole parcel, a subdivision of the parcel, or only a portion of the ownership. Final action will be based on mutual agreement as to the type of protection strategy (fee or easement) employed. It is for these reasons and more, we estimate that, on average, approximately 90 percent (90%) of the land identified within the CFAs will be conserved.

Further, should another Federal or State agency or organization administer a program that is more compatible with the desires of the landowner, the Service will strive to connect the landowner to those opportunities. Examples include the FLP, CRP, and FRLP programs, and other easement, lease, and voluntary and incentive based protection options. This approach will be better for the landowner and allow the Service to expend its limited funds to protect lands that are most aligned with our Strategic Growth policy.

Once the landowner preference is identified and a description of what may be conveyed to the Service is described, an appraisal that meets stringent Federal requirements will be conducted. Willing-seller landowners interested in selling fee title ownership, easement, or sell a lease to the Service, and who give written permission, will initiate our process to work with the Department of the Interior's Office of Valuation Service to conduct, review, and approve an appraisal to determine market value. Once an appraisal has been approved, we can present an offer for the landowner's consideration. The Service is required by Federal law to offer 100 percent (100%) of the appraised market value or the interest in the property being conveyed; however, we can accept landowner offers of selling for less than the appraised value.

VII. Project Costs and Funding

As of February 2016, approximately \$34 million has been used to purchase the current 37,000 acres of refuge lands. These funds were used to pay for direct land costs, plus incidental real estate expenses to cover appraisals, surveys, title work, and relocation expenses; resulting in an average \$921 per acre acquisition cost since the refuge was first established on October 3, 1997.

Using the previous per acre value, the proposed 99,507-acre refuge increase could increase the project cost by approximately \$91.2 million. Based on our financial capacity over the past fifteen years, it could take another 50 years to acquire the entire project. A long-term commitment of this nature is not at all uncommon when compared to the status of other Refuge System land protection projects, and in light of our willing-seller-only approach.

The legislated purposes in the Conte Refuge Act create both an opportunity and a justification for other Federal agencies to participate and leverage their human and financial resources within a partnership context, and in support of mutually-beneficial programmatic and landscape agency goals. These resources could be focused on public or private land within a CPA or CFA, and augment the efforts and accomplishments by the Service and many other partners.

There are many sources of funding that could be pursued to achieve conservation objectives and outcomes that contribute toward the refuge's legislated purposes. Sources of land conservation funding could be derived from: Land and Water Conservation Fund, Migratory Bird Conservation Fund, North American Wetlands Conservation Fund, State Wildlife Grants, FLP, CRP, and FRPP funds, WRE, Pittman-Robertson and Dingell-Johnson funds, and respective State conservation dollars. In addition, habitat restoration could be accomplished using: Partners for Fish and Wildlife Funds, Habitat Recovery Grants, State Wildlife Grants, Wildlife Habitat Incentive Program, Environment Quality Investment Program, and Coastal Program Funds. Further, additional resource outcomes could be realized using DOT and EPA funding. While many of these funding sources are outside our agency's annual budget allocation process, they could complement Service efforts, potentially decrease Service costs, and provide more options for landowners.

Option 1: Landowner Retains Ownership

Landowners who do not wish to convey their lands to the Service or another conservation entity may still be interested in improving their lands for wildlife. We may provide technical expertise or inform the landowner of voluntary incentive based programs offered by the Service or its partners to assist in habitat conservation. Landowners within a CPA or CFA would not be subject to any additional obligation or regulation due to their property's location within a proposed CPA or CFA.

Option 2: Management and/or Land Protection by Others

About 25 percent (25%) of the watershed is already under the stewardship of conservation partners via fee title, easement, leases, and/or management agreements. This option includes the diverse menu of partner initiatives that are intended to keep working farms and forests, restore wetlands and wildlife habitat, and promote and employ best management practices for land stewardship in support of landowner preferences.

The U.S. Department of Agriculture has a very active easement program for private landowners in the watershed, historically offering the Forest Legacy Program (FLP), Farm and Ranchland Protection Program (FRPP), the Wetland Reserve Enhancement (WRE) Program, and the Conservation Reserves Program (CRP). USDA easement programs are diverse and typically well-funded, when compared to the Service's traditional land protection funding sources. For example, if a willing seller within a CFA would like to protect their forest as a working forest and manage it to produce lumber and to allow public access, the FLP may be the best option. If another willing seller who owns a farm that has residential development capacity reflected in the tax assessment, and they want to keep it as a working farm, an FRPP easement with USDA may be the best option. Working forests and farms are a very important and traditional component of this large New England landscape.

We would promote the use of these USDA programs, as well as other Federal and State agency land conservation programs, across the watershed to support achieving Conte Refuge's legislated purposes and landowner preferences, especially within CPAs and CFAs. Each of these voluntary and incentive based programs, and similar State and locally based conservation alternatives, are important conservation strategies to promote an integrated and sustainable working landscape. Management and protection of land and related resources by others will continue to add to the conserved lands network and the suite of choices available to landowners. This proposal could enhance the availability of watershed protection efforts by expanding the options available to the landowner, rather than compete or duplicate existing partner initiatives.

Option 3: Easements, Leases, and/or Management Agreements obtained by the Service

This option allows the Service to acquire a partial interest in lands through use of tools such as easements, leases, or cooperative agreements. This option employs long-term or permanent easements, renewable leases, and/or management agreements as a means of protecting and managing land to benefit fish and wildlife, and possibly providing wildlife-dependent recreational and educational opportunities. To date, the Service more frequently uses conservation easements, but short-term leases or management agreements have also been used effectively to protect or manage habitat on a temporary basis.

Specifically, conservation easements convey a partial, typically permanent, interest in land to the Service. Easement interests are acquired by the Service at market value from willing sellers to accomplish the purposes of the refuge. The underlying fee title to the property is retained by the landowner, leaving the parcel in private ownership. The Service and landowner agree to land-use practices that enable both to meet their conservation goals, as well as provide the landowner continued stewardship and use of these lands.

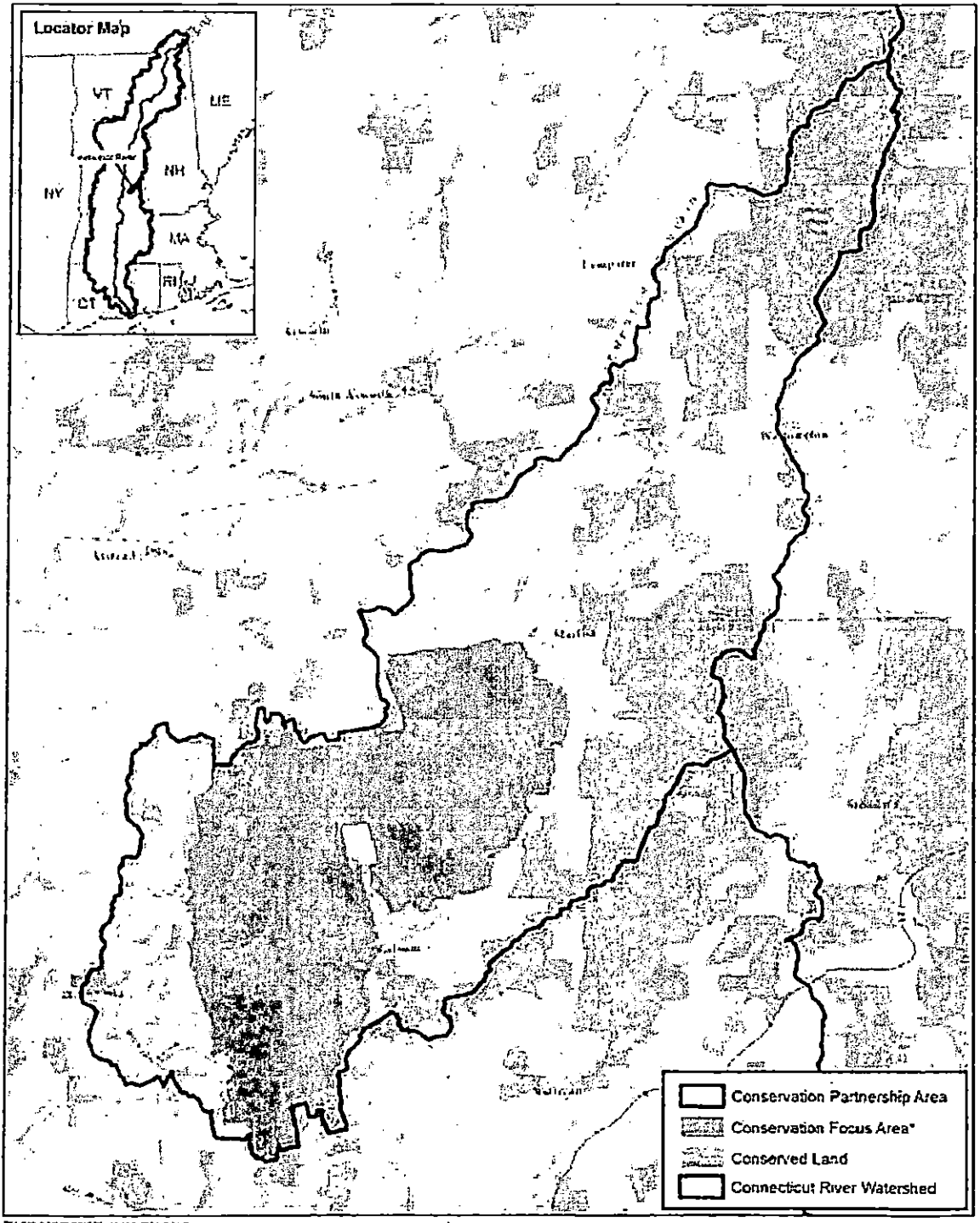
The Service would negotiate, on a case-by-case basis, the extent of the rights to acquire. Those may vary, depending on the configuration and location of the parcel, the current extent of development, habitat management requirements, the needs of the landowner, and other considerations. The structure of such easements will provide permanent protection of existing wildlife habitat while also allowing habitat management or improvements and access to sensitive habitats, such as for endangered species or migratory birds. During this process, programs offered by other partners may ultimately be a better fit with landowners expectations and needs.

Where consistent with our management interests, we may also seek to acquire public access rights to secure wildlife-dependent recreational opportunities. However, the conveyance of any interest in land to the Service is up to the landowner. Easements are best employed by the Service as a conservation measure when:

Map CI.17 Ashuelot River Conservation Partnership Area

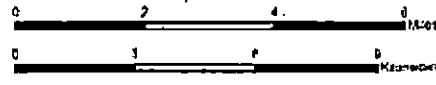


U.S. Fish & Wildlife Service Ashuelot River Conservation Partnership Area
Silvio O. Conte National Fish and Wildlife Refuge



- Conservation Partnership Area
- Conservation Focus Area*
- Conserved Land
- Connecticut River Watershed

This map is prepared for use as a guide only, and does not represent the U.S. Fish and Wildlife Service's or the U.S. Department of the Interior's official position on the status of the land. The U.S. Fish and Wildlife Service is not responsible for any errors or omissions that may appear in this map. This map is based on data provided by the U.S. Geological Survey, and the U.S. Fish and Wildlife Service. The U.S. Fish and Wildlife Service is not responsible for any errors or omissions that may appear in this map.

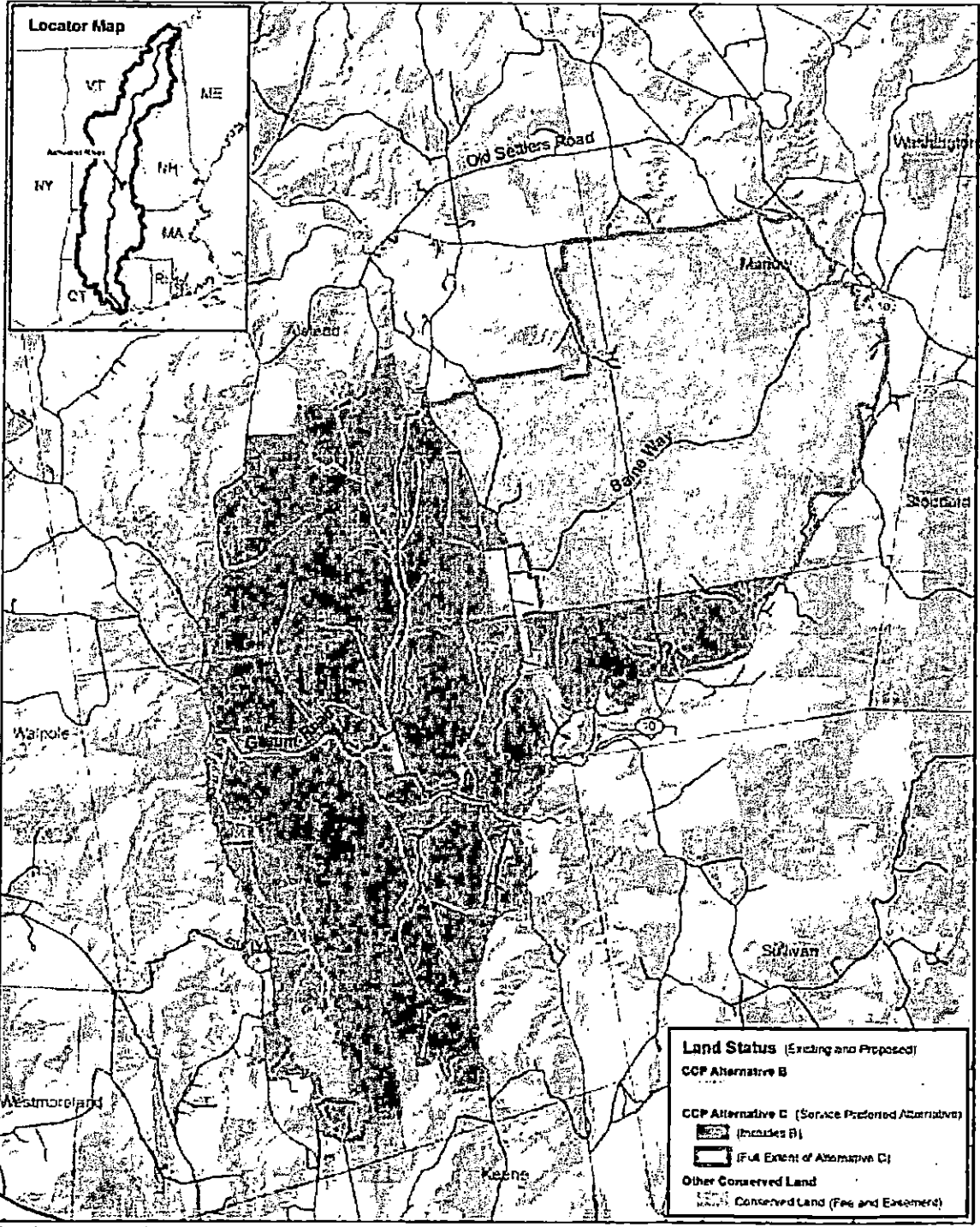


- Service Proposed Alternatives
 - Reconnected
-

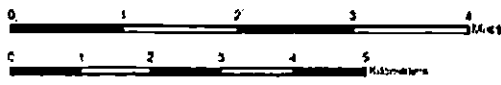
Map CI.18 Ashuelot River CFA under CCP Alternative C



U.S. Fish & Wildlife Service Ashuelot River CFA under CCP Alternative C
Silvio O. Conte National Fish and Wildlife Refuge



This map is not intended to be used as a legal document. It is a representation of land for conservation or the protection of natural resources. It is not intended to be used as a legal document. It is a representation of land for conservation or the protection of natural resources. It is not intended to be used as a legal document. It is a representation of land for conservation or the protection of natural resources.



4-C

Overview Sprague Brook Conservation Focus Area (Proposed)

Richmond, New Hampshire

Conservation Focus Area (CFA)—Acreage Profile	Acres	Percentage of CFA
Total CFA Acres to be Conserved by Service	3,016	91%
■ Existing Refuge Ownership in CFA ¹	0	
■ Additional Acres in CFA proposed for Refuge Acquisition ²	3,016	
Existing Acres in CFA Permanently Conserved by Others ^{2,3}	290	9%
Total Acres in CFA ^{2,4}	3,306	100 %

¹ Acres from Service's Realty program (surveyed acres).

² Acres calculated using GIS.

³ The Service does not plan to acquire existing conserved lands, except under extenuating circumstances (conserved acres from TNC 2014 data).

⁴ The Service would conserve up to this number of acres. The Service only acquires lands from willing sellers.

What specific criteria and/or considerations drove the selection of this CFA?

The Sprague Brook CFA contains a large wetland complex and is a high priority area for many groups, including The Nature Conservancy and local conservation groups. This CFA lies in the Sprague Brook CPA. Service land conservation in this CFA would contribute to the larger Quabbin to Cardigan partnership, which is a collaborative, landscape-scale effort to conserve the Monadnock Highlands between two large protected areas: the Quabbin Reservoir in Massachusetts and Mount Cardigan in the White Mountain National Forest in New Hampshire. In addition, nearly all of the Sprague Brook CFA overlaps terrestrial Tier 1 Core and Connector lands identified through the **Connect the Connecticut** landscape conservation design.

What are the priority habitat types within the proposed CFA? What percentage of the total CFA acreage do they represent?

- Hardwood Forest – 89.5%
- Shrub swamp and Floodplain Forest – 1.4%
- Freshwater Marsh – 2.2%

For more information on habitats in the CFA, see map A.54 and table A.39.

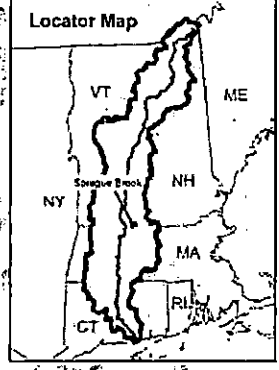
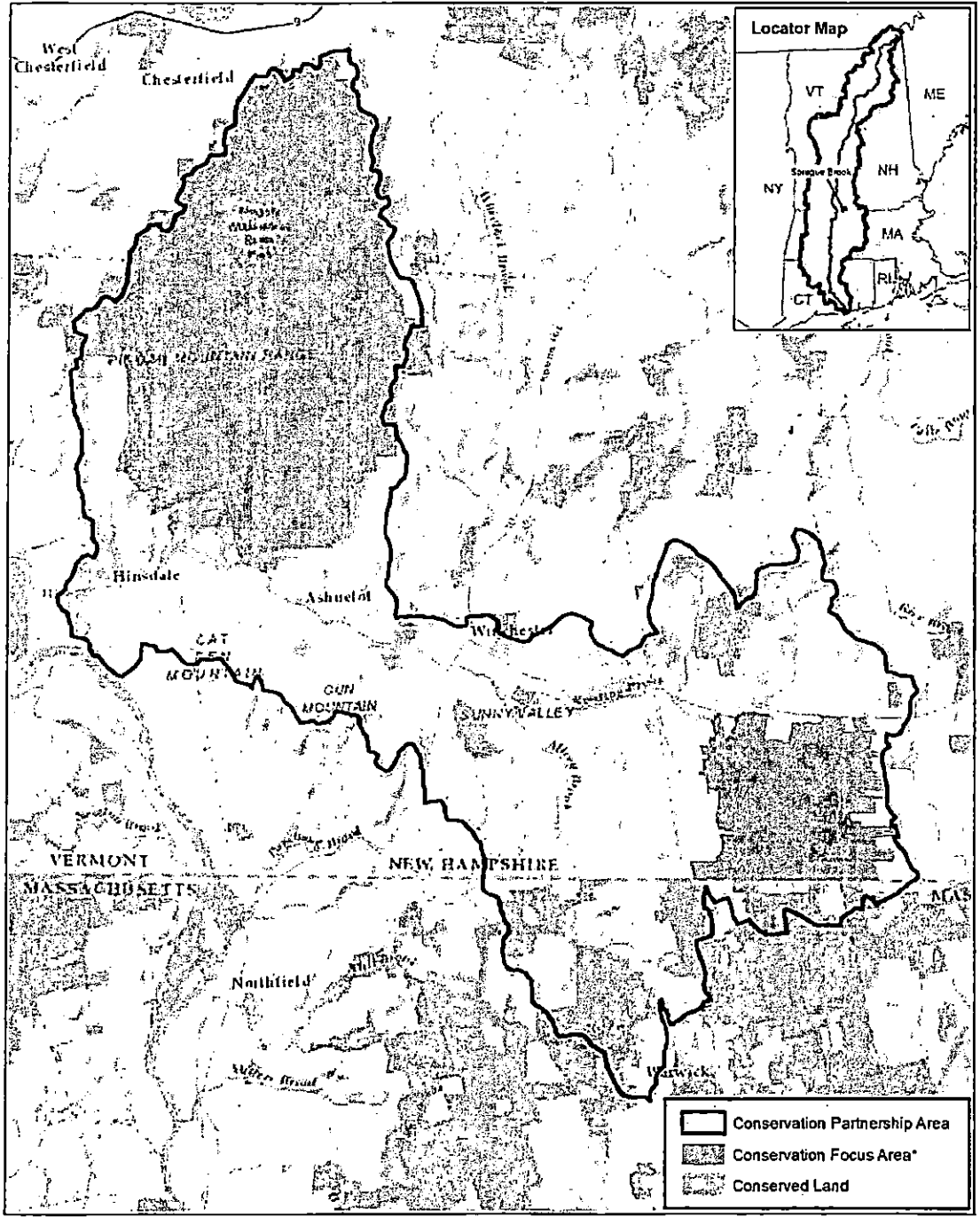
What are the resources of conservation concern for the proposed CFA?

As noted in table A.40 below, there are nine Priority Refuge Resources of Concern (PRRC) terrestrial and aquatic species that rely upon the diverse habitats in this CFA. There are also habitat types that are not being managed for a particular PRRC species, but are important for their contribution to Biological Integrity Diversity and Environmental Health (BIDEH) of the landscape. The refuge will seek to protect and restore (if necessary) these habitat types. Additionally, we recognize the value of this area to State Species of Greatest Conservation Need (SGCN) including wetland dependent species and forest interior dwelling bird species. These species and others are discussed further below.

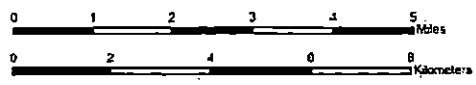
Map 4.16. Proposed Sprague Brook CPA, New Hampshire and Massachusetts



U.S. Fish & Wildlife Service Sprague Brook Conservation Partnership Area
Silvio O. Conte National Fish and Wildlife Refuge



This map is not intended for use as a land survey or as a representation of land ownership. The Conservation Partnership Area (CPA) boundary and the Conservation Focus Area (CFA) boundary are shown. The CPA boundary is shown with a thick black line. The CFA boundary is shown with a thin black line. The Conserved Land is shown with a dotted pattern. The map is based on data provided by the Service. For more information, contact the Service at 1011 North Main Street, Concord, NH 03301. 10/15/01



* Service Preferred Alternative
C Represented

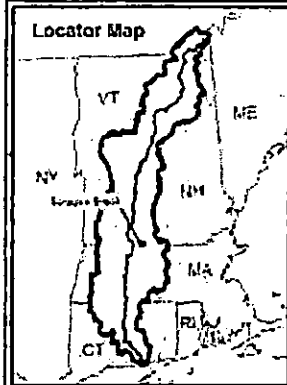
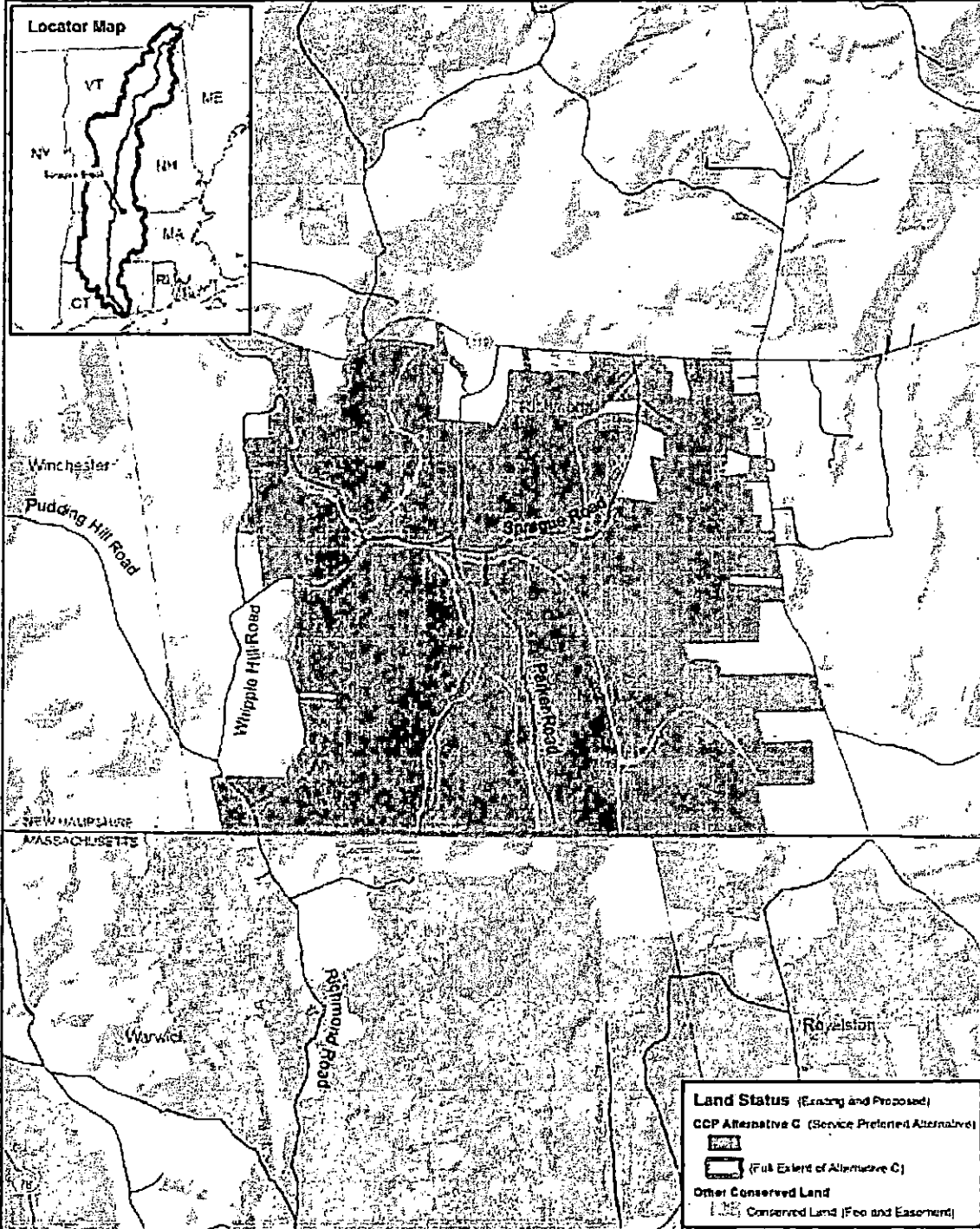


Map CI.20 Sprague Brook CFA under CCP Alternative C



U.S. Fish & Wildlife Service Sprague Brook CFA under CCP Alternative C

Silvio O. Conte National Fish and Wildlife Refuge



Land Status (Existing and Proposed)

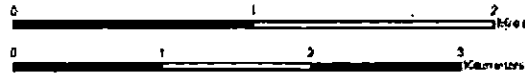
CCP Alternative C (Service Preferred Alternative)

(Full Extent of Alternative C)

Other Conserved Land

Conserved Land (Fee and Easement)

This map is prepared for use as a guide only, it is a representation of land for comparison to the original. The accuracy of the map is not guaranteed. The Service has no liability for any errors or omissions. The Service has no liability for any errors or omissions. The Service has no liability for any errors or omissions. The Service has no liability for any errors or omissions.



4-D

Overview Saddle Island Unit (Existing Refuge Unit)

Bath, New Hampshire

Total Unit Acres ¹	2
-------------------------------	---

¹ Actual acres

What are the priority habitat types within the unit? What percentage of the total unit acreage do they represent?

- Hardwood forest with open bedrock- 66%
- High-energy riverbank – 33%

For more information on this unit's habitats, see map A.39 and table A.29.

What are the Federal trust and other natural resource values in the unit?

1. Migratory Birds

The Connecticut River watershed is a major migration corridor. The lower portion of the watershed (CT and MA) receives higher use by migrants, with use concentrated in habitats along the Connecticut River main stem (Smith College 2006). The hardwood forest on Saddle Island likely provides stopover habitat for landbirds.

2. Other

The two acre Saddle Island is located in the Connecticut River, bordering the town of Bath, NH. This island has a unique physical environment due in part to its location in the Connecticut River, geological features and size. The upper portion of the island contains a wooded bluff which transitions to steep banks of sparsely vegetated bedrock ledges. Ice scour regularly clears woody vegetation and soils from the ledges which has a significant impact on the terrain and vegetation. The soils that settle into fractures and pockets in the bedrock provide conditions for unique plant species and communities.

What habitat management activities would likely be a priority on the unit?

We will conduct a comprehensive, multi-scale wildlife habitat inventory. Baseline information on the condition of habitats (ie. forested, non-forested and open water habitats) will further inform more detailed, habitat prescriptions within a required step-down Habitat Management Plan. Once inventory has been completed, then management will focus on managing invasive plants to maintain native diversity.

What public use opportunities would likely be a priority on the unit?

The unit is closed to the public to protect resources.

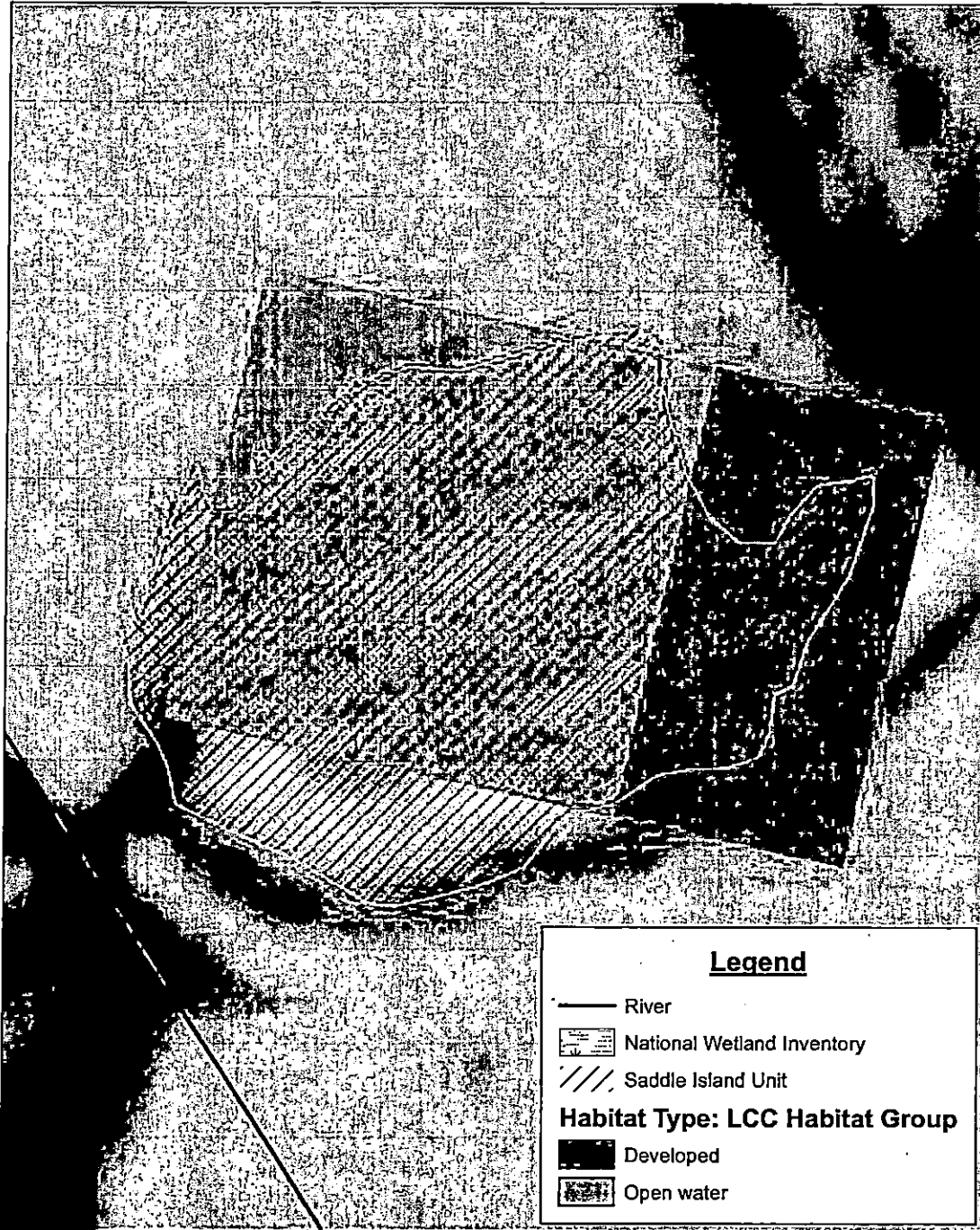
Map A.58. Saddle Island Unit - Habitat Types.



U.S. Fish & Wildlife Service

Saddle Island Unit

Silvio O. Conte National Fish and Wildlife Refuge



This map is designed to convey a generalization of habitat types across a large landscape. It is not intended for site-specific analysis or management, nor for use as a land survey or for tax purposes. For more information contact the Silvio O. Conte National Fish & Wildlife Refuge Office at 413-548-8002. Date: 01/16/2018

0 0.007 0.014 0.021 0.028 Miles

0 0.01 0.02 0.03 0.04 Kilometers



H-E

Overview: Ashuelot River Conservation Focus Area (Proposed)

Alstead, Marlow, Surry, and Gilsum, New Hampshire

Conservation Focus Area (CFA)—Acreage Profile	Acres	Percentage of CFA
Total CFA Acres to be Conserved by Service	17,860	85%
■ Existing Refuge Ownership in CFA ¹	0	
■ Additional Acres in CFA proposed for Refuge Acquisition ²	17,860	
Existing Acres in CFA Permanently Conserved by Others ^{2,3}	3,225	15%
Total Acres in CFA ^{2,4}	21,085	100 %

¹ Acres from Service's Realty program (surveyed acres).

² Acres calculated using GIS.

³ The Service does not plan to acquire existing conserved lands, except under extenuating circumstances (conserved acres from TNC 2014 data).

⁴ The Service would conserve up to this number of acres. The Service only acquires lands from willing sellers.

What specific criteria and/or considerations drove the selection of this CFA?

The proposed Ashuelot CFA is part of a larger area identified as a high priority for conservation for the State of New Hampshire because it contains a large intact forested area with small, scattered, high-quality forested wetlands that are valuable, especially for black duck nesting. It lies within the Ashuelot CPA. The CFA also encompasses a tremendous diversity of topography (e.g., elevation and aspects). Most of the Ashuelot River CFA overlaps terrestrial Tier 1 Core and Connector lands identified through the **Connect the Connecticut** landscape conservation design. Service land acquisition in this CFA could serve as a footing between other nearby conserved areas.

What are the priority habitat types within the proposed CFA? What percentage of the total CFA acreage do they represent?

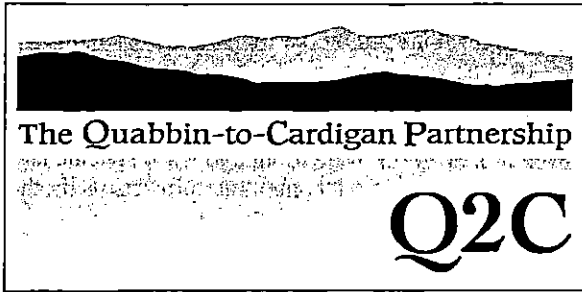
- Hardwood Forest – 85.7%
- Shrub swamp and Floodplain Forest – 2.3%
- Freshwater Marsh – 1.3%

For more information on habitats in the CFA, see map A.43 and table A.31.

What are the resources of conservation concern for the proposed CFA?

As noted in table A.32 below, there are ten priority refuge resources of concern (PRRC) terrestrial and aquatic species, including a federal listed species that rely upon the diverse habitats in this CFA. There are also habitat types that are not being managed for a particular PRRC species, but are important for their contribution to Biological Integrity Diversity and Environmental Health (BIDEH) of the landscape. The refuge will seek to protect and restore (if necessary) these habitat types. Additionally, we recognize the value of this area to State Species of Greatest Conservation Need (SGCN) including wetland dependent and forest interior species. These species and others are discussed further below.

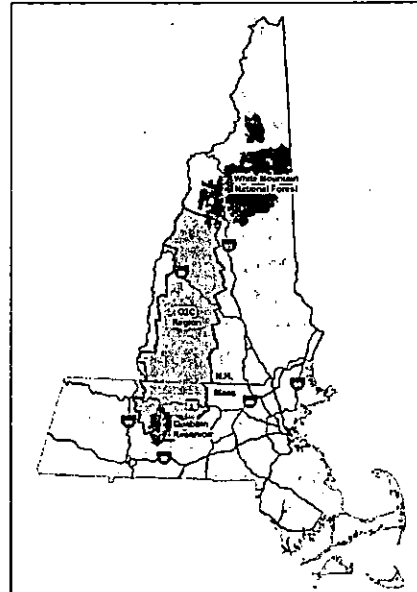
4-F



Request for Proposals

Q2C Land Grants Program
 Summer 2016 Grant Round
 July 1, 2016

In September 2016, the Quabbin-to-Cardigan Partnership (Q2C) will award its tenth round of Land Conservation grants in the “Quabbin-to-Cardigan” region of western New Hampshire and north-central Massachusetts. The two-state Quabbin-to-Cardigan region spans one hundred miles from the Quabbin Reservoir northward to the southern boundary of the White Mountain National Forest, and is bounded to the east and west by the Merrimack and Connecticut River Valleys. Encompassing approximately two million acres, the Q2C region is one of the largest remaining areas of intact, interconnected, ecologically significant forest in central New England, and is a key headwater of the Merrimack and Connecticut rivers.



Launched in 2003, the Quabbin-to-Cardigan Partnership is a collaborative effort of more than twenty private organizations and public agencies working on land conservation in the Q2C landscape. The partners share a vision of conserving (on a strictly willing-seller/donor basis) the region’s most ecologically significant forests, and key connections between them for wildlife passage and human recreation. In 2007, the Q2C Partnership completed a strategic conservation plan for the region that combines state-of-the-art natural resource data with the expertise and experience of the partner organizations.

In 2009, the Quabbin-to-Cardigan Partnership launched its Land Conservation Grants program, which underwrites transaction costs – appraisals, surveys, title research, staff time, etc. – on key land conservation transactions that protect land identified in the Q2C conservation plan. Over the past seven years, the grants program has awarded over \$840,000 to 77 separate land conservation projects that have conserved over 26,000 acres of land in the region.

Before applying for a Q2C grant, please carefully review this RFP and the application materials. For more information on the Quabbin-to-Cardigan region and conservation plan, grant application materials, maps, a list of towns in the region, etc. visit the “grants” section of www.q2cpartnership.org. If you need help determining whether your project is eligible for funding, please call Brian Hotz at (603) 224-9945.

Grant Amounts/Match Requirements:

Maximum grant amount per project is \$10,000. Applicants may only submit one application for this grant round.

The Q2C grants program has a “cash” match requirement. All applicants must provide matching funds of a **minimum of 25% of the grant award**. Cash match does not include any “in-kind” gifts.

Collaborative Conservation

What do we mean by collaborative conservation? Most Maturing and Conserving RCP members work together to produce maps, plans, programs, and land protection projects. Conserving RCPs may work differently based on the above questions and considerations.

Each RCP and each partner group will ultimately need to determine the approach that is best for them, for a particular project or set of projects. To realize their regional conservation vision, some will delegate specific tasks, such as grant writing or donor solicitation, to different partners. This approach is very common. It is rare for RCP partners to do all of these tasks together.

Here are several examples of approaches taken by Conserving RCPs to collaborative conservation using a variety of funding sources over time. Not included are capital campaigns, which will be covered in greater detail below.

The Quabbin to Cardigan (Q2C) Partners conserved 90,000 acres between 2002 and 2012 in New Hampshire and Massachusetts.

- Q2C completed a three-year strategic conservation planning process identifying focus areas equaling one-third of the total 1.9-million-acre landscape.
- The Q2C Conservation Plan was used to prioritize land protection projects and help partners secure Forest Legacy funding in both states.
- Since 2009, this RCP has secured more than \$750,000 to administer an ongoing small grants programs to support trail work and transactional expenses related to conservation projects within the focus areas.

River-Link, Maine (600 acres)

- RCP partners shared the promotion of the overall project to connect protected open space and a trail across two towns and between two north-south running rivers.
- One partner served as the leader for each parcel, but all partners supported each one.
- Partners jointly applied for state (Land for Maine's Future) and private foundation grants.

Mahoosuc Initiative, New Hampshire and Maine (56,767+ acres)

- The initiative produced a regional report, interactive GIS, and community outreach to build local buy-in for their vision. Followed up with extensive conservation efforts and tourism resources to support the local economy.
- The RCP is led by the coordinator, who facilitates decision-making, always striving for collaborative projects that have roles for multiple organizations in land conservation, stewardship activities, tourism support, communications, and the like.
- A working group of development people from each partner organization helps raise money collaboratively through joint grants, with funding going to each

partner group to support operations, coordination, land protection, and the partners' other operating needs. The working group held a funders briefing to attract additional foundations.

- Individual organizations sought and received funding from federal and private foundations for specific land conservation and local community projects using the Mahoosuc Initiative's compelling story.

Chittenden County Uplands Conservation Project, Vermont (9,807 acres)

- The project developed a formal vision and coordinated landowner outreach.
- The RCP partners applied for grants and Forest Legacy funding together.

Enduring Success: The North Quabbin Regional Landscape Partnership

Members of the North Quabbin Regional Landscape Partnership (NQRLP), located in north central Massachusetts, have together raised funds from private and public sources to conserve more than 14,000 acres of land. They have acquired funding from the U.S. Forest Service's Forest Legacy and State and Private Forestry programs, the North American Wetlands Conservation Act, the Massachusetts Executive Office of Energy and Environmental Affairs, municipal funding, and philanthropic foundations.

Attract State Investment with Recreational Trails

Within a year of its first meeting, the NQRLP began establishing the 22-mile regional Tully Trail, which provided an exciting target for greater connectivity and future state funding. The host partner of the NQRLP, the Mount Grace Land Conservation Trust, led a major conservation aggregation project (104 parcels in two years), using \$8 million in funding from the Commonwealth of Massachusetts. Local, regional, and state partners collaborated to protect most of the Tully Trail that was not already on state lands or roads.

Endorse Local Land Protection Projects as an RCP

NQRLP members also developed a process whereby local volunteers proposed land protection projects to NQRLP members. These volunteers were shown how to organize well-documented proposals. They then sought and received support from a professionally staffed land trust or state agency to help carry the land protection project to completion. They established a method by which partners could propose projects for official NQRLP endorsement based on shared vision and priorities. They also cultivated local liaisons who would then lead municipal conservation activities in support of the overall NQRLP vision.

Federal Programs

Federal Land Conservation Programs

The federal government is a vital source of funding for land and natural resource conservation in America — helping to save great parks and public lands, productive farms and ranches, vital wildlife habitat, healthy watersheds, and more. Federal funding typically leverages contributions from state, local, and private sources — enabling the protection of some of the highest priority resources in the country.

But public funding for conservation is never guaranteed. In fact, many of our nation's most important conservation programs are seriously underfunded or in danger of expiring! Maintaining these programs requires dedicated, coordinated, and effective political advocacy, by the Alliance and our partners. Building support for federal conservation programs is one of the Alliance's top policy priorities.

This overview of six major conservation programs may help you find the right match for your conservation project. You can follow the links to more in-depth information.

Farm Bill

The 2014 Farm Bill was a big win for conservation! It provides billions of dollars for a suite of conservation programs, including \$1 billion over ten years for conservation easements. By far the largest source of federal funding for land conservation, the Farm Bill supports conservation easements on farm and ranch land, grasslands, wetlands, and forests. It also funds conservation partnerships and sustainable land management practices.

Land and Water Conservation Fund

This fund is one of our best resources for creating and improving public lands. It uses a portion of revenues from offshore oil drilling to protect public lands, including parks, trails, forests, shorelines, and historic sites. Its legacy is outstanding: more than 3 million acres enjoyed by over 500 million people every year. But Congress regularly withholds up to two-thirds of its funding — and the program is in danger of expiring in 2015!

North American Wetlands Conservation Act

This program protects extensive wetlands and other habitats for migratory birds — while strengthening local economies, providing clean water supplies, and protecting communities from storms and floods. It has helped to protect 26 million acres in the U.S., Canada and Mexico. Grants through the program are so competitive that they leverage an average of \$3.20 for every federal dollar. But the program has expired and could disappear unless Congress reauthorizes it!

Forest Legacy

This program helps prevent the fragmentation or destruction of environmentally significant forests, at a time when we're losing over half a million acres of private forest land every year! The program protects privately owned forest land through voluntary conservation easements or sale of land to the U.S. Forest Service and state governments.

Endangered Species Grants

Through habitat conservation, threatened or endangered species can join the ranks of success stories like the bald eagle, the grizzly bear, and the California condor. Over half of currently listed species rely on habitats on private land — which can be protected with funding through Section 6 of the Endangered Species Act.

America's Great Outdoors

The Alliance and hundreds of land trusts helped shape America's Great Outdoors, a new agenda for conservation and recreation in America. This agenda established a vision for reconnecting people with nature, conserving and restoring natural resources, and forging partnerships for conservation. America's Great Outdoors now helps to guide federal conservation policies.

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4.1 Draft a description of your shared conservation vision.

If your RCP has already developed a mission statement, you might consider looking to it for the essential elements of your regional conservation vision. What is your RCP's purpose? What are your member organizations trying to do together that they cannot do on their own? If you could not have a strategic conservation planning and mapping process, and you had only a statement about your priorities and the future conditions you were all trying to bring about, what would it be? Here is an example: "A permanently protected network of conserved and connected core forest habitats on private and public lands in X region."

Developing a conservation vision for your RCP will take time and effort, but the result will be worth it. Review your goals, objectives, and mission statement. Make your vision statement a natural extension of these, and tether it to landscape-centered and longer-term outcomes. At the same time, use words that will encourage people to engage with your RCP. Your vision statement can be your elevator speech, your reason for existing, and it can help your members share in the creation of something inspirational early on in your RCP's formation.

Developing a conservation vision can also reveal what kinds of natural and cultural resources and constraints partners want to include in mapping their vision. Don't be surprised, though, when after completing the mapped conservation vision, you end up modifying your vision statement. New data and information can point to exciting and previously unconsidered opportunities.

4.2 Collaboratively map, analyze, and prioritize your region's natural and cultural resources.

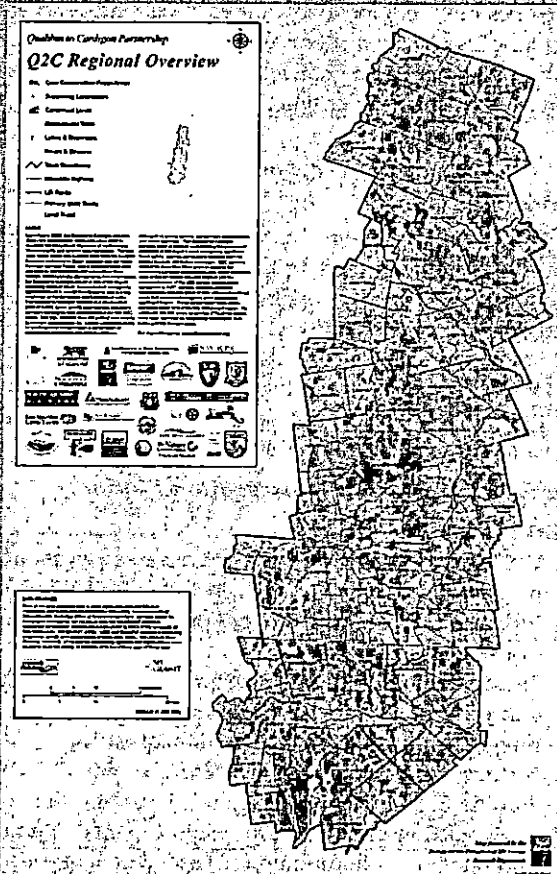
Determine the sources of geographic information systems (GIS) data in your region. Ask a partner organization to supply maps of your region, or otherwise obtain necessary funding for mapping. RCP members may also partner with regional planning commissions or universities if none of the current partners have access to GIS.

Consider what resources go into this kind of analysis. Look at your regional conservation goals and objectives for elements to include. Consider the role of local, regional, state, or national priorities for various natural and cultural resources. Consider both the value of the resources and their associated political values. Which resources have known funding sources and at what scale? Which of these resources have the support of legislators or communities? Include resources that have other local, state, and federal champions, if appropriate.

Box 3: Case Study

Strategic Conservation Map with Focus Areas Example: Quabbin to Cardigan Partnership

The Quabbin to Cardigan (Q2C) Partnership formed in 2002. Partners took three years to develop a strategic conservation vision and mapped core forest habitats that together equaled one-third of the partnership's 1.9-million-acre landscape. They endorsed Forest Legacy projects in the cores and later established a small grants program to cover transaction costs for land protection projects within the core focus areas. Eight separate grant rounds, four funded by the Natural Resource Conservation Service and four by an anonymous donor, helped to conserve 90,000 acres in the region between 2002 and 2012.



philanthropic foundations, as well as from state and federal agencies and programs. They support municipalities to issue bonds for purchasing open space to conserve prime natural areas or develop future parks, or to buy the development right and keep the land in private ownership. RCPs manage capital campaigns to solicit monies from individuals, families, and corporations. They regrant foundation and other funds to cover due diligence costs (see Box 6) or use a combination of these fundraising approaches.

While we can point to 18 RCPs that have successfully increased resources to conserve land as a partnership, many more are striving to join this circle. The funding landscape has changed significantly since the mid to late 1990s when RCPs first became established in New England. Federal and state funding for land conservation becomes more competitive with each passing year. As a result, RCPs now consider a wider and more diverse array of funding sources to finance the implementation of their conservation plans over time.

9.1 Choose the funding sources to pursue for land conservation.

Even with a strategic map that includes focus areas, your RCP still needs willing landowners interested in conserving their land. Hopefully, with all of the outreach and engagement activities your RCP will have completed while in the Maturing stage, this won't be an issue. However, landowners can have different objectives and financial needs. Which source(s) of funding fit the parcel(s) and owner interests best?

Potential Sources of Conservation Finance

FEDERAL

- **U.S. Forest Service** programs conserve private and municipal woodlands. These include the Forest Legacy Program and the Community Forest and Open Space Conservation Program.
- **Land and Water Conservation Fund.** Monies for conservation projects as part of U.S. Fish and Wildlife refuges, national forests, and national parks.
- **Natural Resource Conservation Service (NRCS)** and the 2014 Farm Bill programs, including the Regional Conservation Partnership Program. Numerous programs provide funding for easement acquisitions.
- **North American Wetlands Conservation Act (NAWCA)** grant program. NAWCA provides matching grants for wetlands conservation projects to benefit wetlands-associated migratory birds and other wildlife.

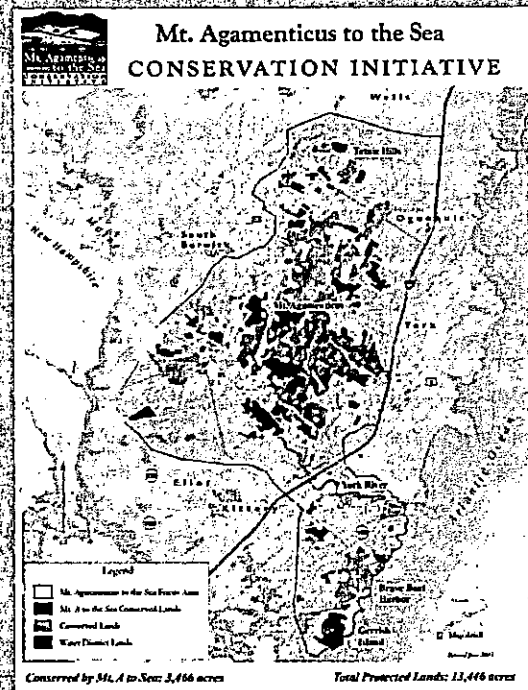
STATE

- Individual states' open-space grant programs
- State conservation land tax credit programs
- Ballot initiatives

Box 5 Case Study

Promoting Your Conservation Vision: Mt. Agamenticus to the Sea Conservation Initiative

The partners of the Mt. Agamenticus to the Sea Conservation Initiative, or MTA2C, completed their first collaborative capital campaign in 2006, raising nearly \$20 million in capital and land and protecting more than 2,000 acres. One of the tools they used was a full-color brochure case statement. Use this link to download a copy: <http://mta2c.org/mta2c-case-statement-brochure.pdf>. The brochure highlights the region's unique value. The area is considered the largest unfragmented expanse of coastal forestlands between Acadia National Park and the New Jersey Pine Barrens. The partners' case statement describes their resolve to save key community resources from development and thus the quality of life residents have come to expect. MTA2C is in the process of launching its next campaign, and will be producing a new case statement.



Conserving RCPs

Most of the partner groups of Emerging and Maturing RCPs are likely to have their own substantial track records of completed land protection projects. Conserving RCPs are on the way to significantly increasing the pace, scale, and connectivity of their collective land conservation and stewardship activities by taking advantage of the synergies that greater coordination and collaboration can provide.

Conserving RCP partners often follow up on their strategic conservation map and plans with a case statement to illustrate and communicate their large-landscape conservation project to prospective donors or agencies. The case statement can take the form of a Forest Legacy Program application, a PowerPoint presentation, or a brochure, depending on the source of funding.

Conserving RCP partners determine how to obtain financing and manage the activities and processes necessary to conserve land. Will they use private money or public or a combination of both? Which organization(s) will raise funds? If more than one group participates, how will they do it?

Will they coordinate their individual efforts under one shared vision, or work together in more collaborative ways? Usually, the answers depend on a combination of factors and constraints, such as the capacity of partner organizations, which agency or group will hold the land or interest, and the landowners' objectives.

Unable to meet the objectives of so many landowners who want to conserve their land, more and more RCP partners are considering using a capital campaign to raise private and public funds. Partners may run their campaigns under one shared vision or collaboratively with a jointly established development committee and coordinator, or use a hybrid approach.

Transitions in leadership and base funding can follow multi-year capital and land protection projects. Partners of Conserving RCPs may take the time to work these issues out before they begin planning for their next land protection and stewardship opportunities.

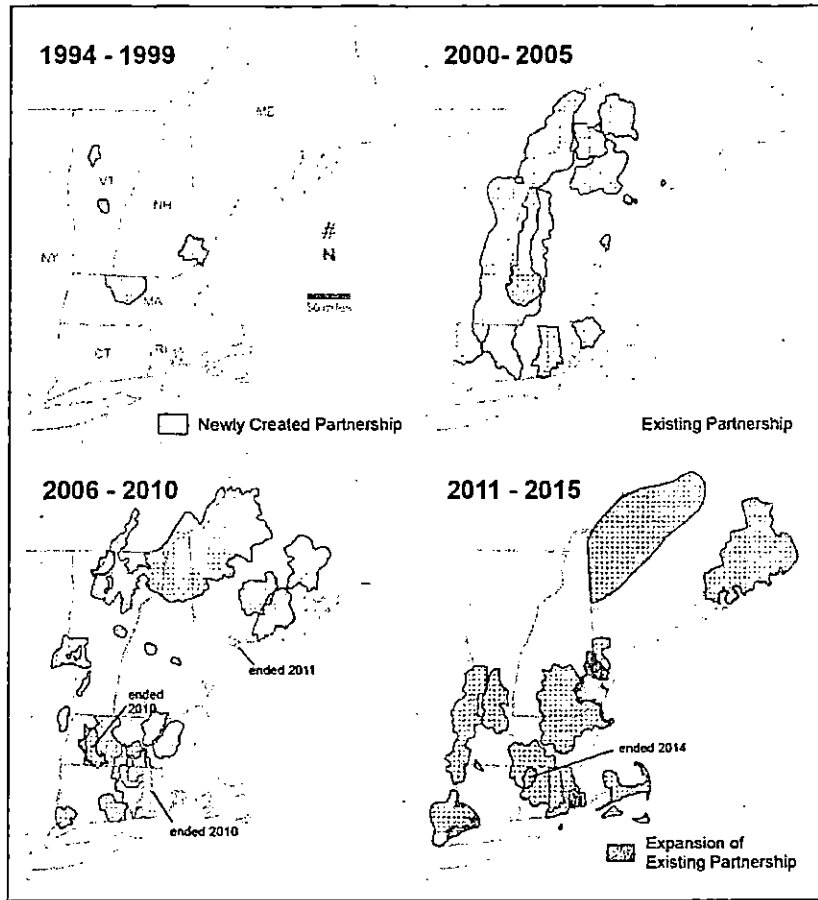
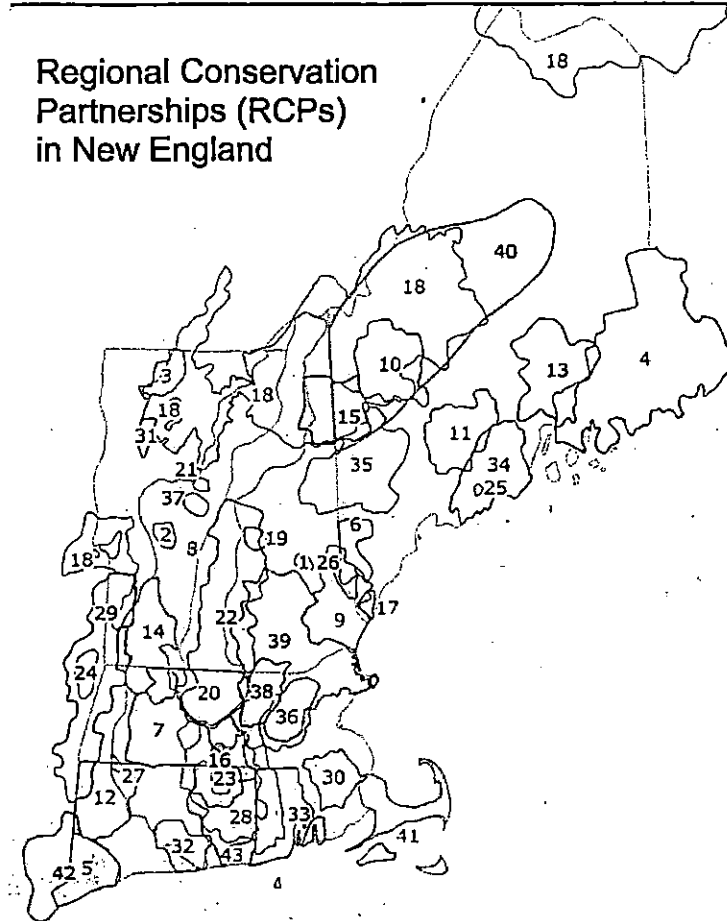


Figure 2: Growth of RCPs in New England (1994-2010)



Perkins Woods / Brian Kent / Kennebec Land Trust

Regional Conservation Partnerships (RCPs) in New England



- 1 Belknap Range Conservation Coalition
- 2 Chateaugay No Town Conservation Project
- 3 Cold Hollow to Canada Forest Link Project
- 4 Down East Research and Education Network
- 5 Fairfield County Regional Conservation Partnership
- 6 Forest Works!
- 7 Forever Farmland Initiative
- 8 Friends of the Silvio O. Conte National Fish and Wildlife Refuge
- 9 Great Bay Resource Protection Partnership
- 10 High Peaks Initiative
- 11 Kennebec Woodland Partnership
- 12 Litchfield Hills Greenprint Collaborative
- 13 Lower Penobscot Watershed Coalition
- 14 MA-VT Woodlands Partnership
- 15 Mahoosuc Initiative
- 16 Mass-Conn Sustainable Forest Partnership
- 17 Mt. Agamenticus to the Sea Conservation Initiative
- 18 Staying Connected Initiative
- 19 Newfoundland Conservation Partnership
- 20 North Quabbin Regional Landscape Partnership
- 21 Orange County Headwaters Project
- 22 Quabbin to Cardigan Partnership
- 23 Quiet Corner Initiative
- 24 Rensselaer Plateau Working Forest Initiative
- 25 River-Link
- 26 Salmon Falls Watershed Collaborative
- 27 Sandy Brook Conservation Corridor
- 28 Southern New England Heritage Forest Partnership
- 29 Berkshire-Taconic Regional Conservation Partnership
- 30 Resilient Taunton Watershed Network
- 31 Chittenden County Uplands Conservation Project
- 32 Lower CT River and Coastal Region Land Trust Exchange
- 33 Rhode Island Woodland Partnership
- 34 12 Rivers Conservation Initiative
- 35 Upland Headwaters Alliance
- 36 West Suburban Conservation Council
- 37 Taylor Valley Conservation Project
- 38 Nashua River Forest Partnership
- 39 Merrimack Conservation Partnership
- 40 Mountain Conservancy Collaborative
- 41 Massachusetts Coastal Pine Barrens Partnership
- 42 Hudson to Housatonic Regional Conservation Partnership
- 43 Thames River Basin Partnership

Data From Bill Labich, Highstead 10/18/2015

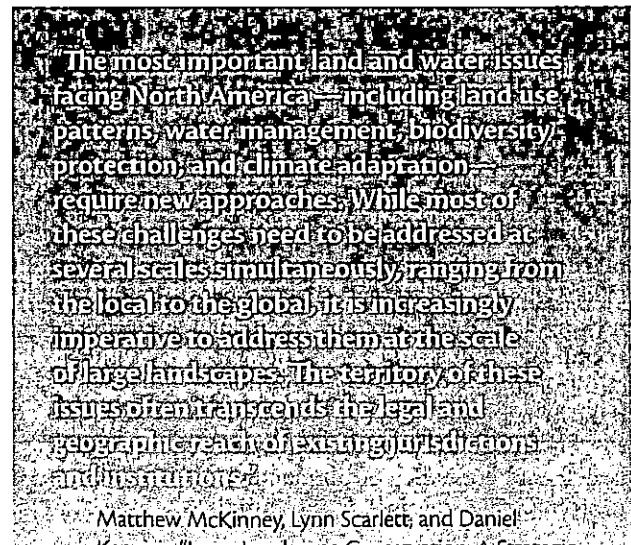
Figure 1: Regional Conservation Partnerships in New England

today is from development and fragmentation within the landscape of small ownerships that characterize the region.

The region's farmland is similarly vulnerable, even as demand for fresh, local food grows. A recent report from Wildlands and Woodlands coauthor Brian Donahue, *A New England Food Vision*, estimates that the region could produce 50 percent of its food, but only if it were to triple its current 2 million acres of farmland.

To achieve the W&W vision across New England, we need to reach out and engage with many thousands of landowners and hundreds of municipalities. In doing so, we will assist more landowners to preserve their lands from development and to manage them for multiple goods and services one parcel at a time.

However, we also need to think of owners and their lands in the context of a larger regional landscape. New England's forested landscapes are composed mostly of these privately owned lands. Together with municipal, state, and federal lands, they serve as the building blocks for larger wildlife habitats and corridors, drinking water supply recharge areas, and larger blocks of contiguous commercial timberlands.



Matthew McKinney, Lynn Scarlett, and Daniel Kemmis, "Large Landscape Conservation: A Strategic Framework for Policy and Action." (Lincoln Institute of Land Policy, Cambridge, MA 2010)

4-J



569

May 2008

Conservation Easements: The Good, the Bad, and the Ugly

by Dana Joel Gattuso

Introduction

Conservation easements, as we know them today, are a fairly recent approach to land conservation. As government acquisitions and regulatory restrictions on land use have become prohibitively invasive, costly, and ineffective, governments have looked to conservation easements as a potentially effective and less expensive conservation method than government ownership and/or regulation. Use of conservation easements began to gain steam by the 1980s and by the 1990s, exploded on the scene.

Initially, conservation easements - which allow landowners to hold on to and use their property but permanently remove development rights in exchange for tax benefits - seemed to hold some promise as an unintrusive, effective means of preserving open space while upholding private stewardship, private initiative and the rights of private property owners. Land trusts, the organizations that manage the easements, tended originally to be small, nonpolitical, and independent of government involvement.

Over time, however, as numerous land trusts have grown in size and number, so have their association - and influence - with government. This has been the case particularly with the large, national organizations that obtain enormous sums from federal funding. For many of these land

accomplishments are protecting elk, deer, and bears along the Madison River Valley adjacent to Yellowstone National Park. The land trust ensures easements remain in private control, maintaining that "private landowners make the best decisions for their land, given the right incentives."⁴⁷

Unfortunately, however, over time the focus of many land trusts has changed, and many of them - particularly the large national organizations - have developed suspect relationships with the government. In some cases, land trusts are aiding government agencies in obtaining private lands via conservation easements.

Problems with Conservation Easements

Stewards of Land or Stewards of Government?

Any chance conservation easements have in being effective stewards of land is lost when land trusts cease to work as independent, private organizations obtaining easements through purely voluntary means and become agents of government aiding in public land acquisitions. Yet land trusts, particularly the larger organizations, are changing their focus from independent and private approaches to working in tandem with government agencies in an effort to assist government in obtaining private lands.

In fact, many leaders in the land trust movement are articulating a new mission to pick up where government has failed at public ownership. As former president Jean Hocker of the Land Trust Alliance (the membership organization representing land trusts throughout the nation) observed, land trusts have a niche as a result of a "reluctance to regulate private lands or even to add land in public ownership." And the "lack of a bureaucratic constraint makes land trusts exceedingly good at complementing, supplementing, and implementing public open-space agendas."⁴⁸

Prearranged "flip." In increasing practice, land trusts do not hold on to the easement but turn around and sell it to federal or state government agencies, known as a "prearranged flip" or "preacquisition." Because most easements are purchased by land trusts at below market value, land trusts can then sell the property to the government at market value, profiting off the difference. In one example, the Nature Conservancy bought an easement for \$1.26 million, then directly sold it to the Bureau of Land Management for \$1.4 million.⁴⁹

Land trusts benefit because they can earn a profit off the taxpayer-funded arrangement. Government agencies like the arrangements because, unlike seizing private lands through land use regulations, zoning laws, or even eminent domain, they can obtain private property via methods shielded from public scrutiny. Preacquisitions also enable government to obtain private land when public funds are not yet readily available.⁵⁰ As a report on easements by the Department of Agriculture notes, "voluntary acquisitions" provide "opportunities for public agencies to influence resource use without incurring the political costs of regulation or the full financial costs of outright land acquisition."⁵¹

Preacquisitions change the whole nature, intent, and potential benefits of conservation easements to protect lands through private stewardship. As referenced earlier in this report, studies show that unequivocally easements work better when managed by land trusts than by government entities. Easements become not a means of protecting lands through a private sector partnership between landowner and land trust, but a non-transparent tool for government to obtain private property without public knowledge or approval. As Clemson University economics professor Bruce Yandle writes:

Such programs encourage land trusts to serve as government land agents, often quite profitably. If land trusts continue to respond to this temptation, land conservation will become ever more political...History teaches us that market incentives for conservation are strongest when individuals pay market prices and receive market rewards. They are weakest when government agents spend someone else's money and get no reward for good management.⁵²

While documentation is limited showing precisely how much land under conservation easement is transferred to government, anecdotal information indicates the practice is prevalent. An article published by the American Enterprise reports that more than two-thirds of the Nature Conservancy's operating budget goes to purchasing private lands that are then sold to the government.⁵³ Similarly, the national American Farmland Trust has worked closely with federal and state government agencies for years, leveraging tax dollars to turn private property into public land via the conservation easement. A book on land conservation "public-private partnerships," published in 1993, describes such an arrangement with the state of Massachusetts:

Massachusetts has a strong tradition of private land conservation... Thus, it did not take much to convince the state

agriculture department that a partnership with land trusts could enable it to save more Pioneer Valley farms than could the government acting alone. The department encouraged AFT [the American Farmland Trust] and other land trusts to acquire conservation easements over key parcels of valley farmland for subsequent resale to the state.⁵⁴

The practice is also common among some state land trusts. The Maine Coast Heritage Trust, the state's largest land trust along the coast, has sold more than 700 of its 850 easements and acquisitions to federal and state agencies. As described in the Gulf of Maine Times:

One of [the land trust's] partners, the U.S. Fish and Wildlife Service (USFWS), identifies important habitats for migratory and endangered fish and wildlife. The trust works with the owners of these areas to determine if there is an opportunity to protect that habitat. If there is, the trust takes a lead role in acquiring the land on behalf of either USFWS or the Maine Department of Inland Fisheries and Wildlife.⁵⁵

In some cases, the federal government uses partnerships with conservation groups to skirt existing state laws that limit the terms of an easement. A report released last September by the Government Accountability Office describes how the U.S. Fish and Wildlife Service has partnered with Ducks Unlimited to obtain thousands of acres of easements from private landowners in North Dakota.

The state forbids the term of an easement acquired by a conservation group to exceed 99 years.⁵⁶ But according to officials from the Service, they are "not bound by state law regarding the easement terms." If the agency "receives a monetary donation from Ducks Unlimited to purchase easements, the eased land is protected in perpetuity," a direct violation of the state's intent.⁵⁷

Federal funding. Also indicative of the close "partnerships" many land trusts have with government is the amount of public funding land trusts receive, with The Nature Conservancy (TNC) collecting by far the largest amount of federal funds. The American Farmland Trust and The Conservation Fund take in a million and three million dollars annually in federal grants, respectively, while TNC receives an alarming sum exceeding one hundred million dollars. Moreover, revenues earned by TNC from sales of conservation easements to governments "and others" amounts to another \$262 million annually, 20 percent of TNC's support and revenues.⁵⁸

Federal financing of conservation easements comes from numerous sources and programs, and it is difficult to find documentation showing the actual sum. However, it is clear that support has skyrocketed over the past decade. The two largest programs funding easements are the Forest Legacy Program and the Farm and Ranch Lands Protection Program, both operating under the U.S. Department of Agriculture. Funding for the Forest Legacy Program has ballooned from \$2.6 million in fiscal year 1997 to over \$80 million in fiscal 2007.⁵⁹ The increase in the Farm and Ranch Lands Protection Program is even more dramatic, rising almost tenfold, from \$62 million for 1996-2001 to \$597 million for 2002-2007.⁶⁰

Given the vast sums of federal dollars handed to many land trusts, along with the prearranged transfers of land from private hands to government acquisition, it is hard to imagine not only how land trusts can operate effectively as stewards of land, but also how they can operate independent of political pressures and influence.

Perpetual Conservation Easements: Forever Is a Long Time

Another problematic aspect of conservation easements is the requirement that the easement be held in perpetuity in order for the grantor to receive federal tax benefits.⁶¹ Such restrictions have ecological and economic implications to the public interest - the intended beneficiary of conservation easements - that extend far into the future. Furthermore, it is not fully clear how future courts will rule on the "dead-hand" control over private property.

Changes in science and nature could deem perpetual easements useless or harmful. As numerous legal scholars and policy experts have argued, conservation easements that bind landowners and their descendants in perpetuity ultimately become antiquated and, therefore, useless or even harmful. The rule fails to recognize that conservation needs - as well as definitions of scenic, aesthetic and cultural⁶² - change over time, and that the easement may eventually lose any ecological benefit or even become a detriment.

Gains in scientific knowledge can change our definition of what is ecologically beneficial. For example, we know from scientific advances in forest management that thinning techniques are essential to protecting healthy forests and their habitat and preventing forest fires.⁶³ Yet conservation easement requirements with the specific purpose of perpetually protecting habitat in a forest may not allow for necessary logging and thinning projects.

Madame Clerk + members of the
Forest Society Committee
Newfound Lake Region Associates
Lakes Region Concrete Trust
Newfound Lake is 8th largest lake
It is within a watershed U.S.
SB136 Testimony - 12,000 of 63,000 2006
Forest bequest program

up
with

#5

Good Morning. I am Parker Griffin from Hebron NH. I chair the Newfound Land Conservation Partnership, which is dedicated to furthering land conservation in the Newfound Lake watershed.

I oppose SB136 because it fundamentally stops the long-standing and extremely successful partnership between the Federal Government and citizens of the State of New Hampshire to conserve land through easements. I oppose it also because it is an extraordinary infringement on individual freedom and liberty and is likely to lead to higher taxes for the citizens of the state.

By including in the calculation of the 2 pct. limit, land when the Federal Government holds the easement and future lands donated or sold to the White Mountain National Forest, SB 136 effectively will stop all cooperation with the Federal Government in this area, because the 2pct limit using this new methodology will most likely be breached in short order, if it hasn't already been.

12/26

By thus preventing New Hampshire residents from exercising their free will and selling their land at a market price for conservation to the Federal Government, SB 136 is restricting the freedom and choice of the citizens of the State of New Hampshire. This is unacceptable. Why should someone in the 'Live Free or Die' state accept such a severe and intrusive action by his or her own state government?

In terms of enforcement, SB 136 places an onerous responsibility on the Department of Resources and Economic Development to issue a certificate of compliance for each specific parcel or sale. And DRED will receive no additional funding to do so.

The more land under conservation in New Hampshire translates into lower taxes for the citizens of New Hampshire. This is a counterintuitive, but widely substantiated fact. More conserved land translates into lower property taxes for all, because less infrastructure means lower funding needs. By preventing New Hampshire citizens from benefiting from Federal government resources supporting land conservation, SB 136 will indirectly cause higher taxes. Less conservation means higher taxes. More conservation means lower taxes.

12/26

SB136 Testimony

In closing, I note that SB 136, which is a restriction of the personal liberty of residents of the state, is the product of a Republican legislature. I find it hard to accept that a misplaced paranoia about alleged, but unsubstantiated Federal government overreach, which ironically has so benefitted the citizens of New Hampshire, could result in such an egregious usurpation of individual freedom – and this by a Republican legislature.

Thank you for your time.



#6
County of Cheshire

12 Court Street, Keene, NH 03431
www.co.cheshire.nh.us

March 6, 2017

The Honorable Sharon Carson
33N State St.
Concord NH 03301

Dear Chairwoman Carson,

As the County Administrator for the County of Cheshire, I am writing to you today on behalf of County Commissioner(s) Peter Graves, Chairman, Joseph Cartwright, Vice Chairman and Charles Weed, Clerk.

At the March 1, 2017 Cheshire County Commissioners meeting, a motion was unanimously passed that the County of Cheshire Commissioners support, and urge, the New Hampshire Executive Departments and Administration Senate Committee passage of Senate Bill 136, to wit, "An Act eliminating the Land Use Board and requiring approval of federal land acquisitions by the governor and council".

The Commissioners see SB 136 as a corrective action bill as the "Land Use Board", has been out of compliance for an extended period due to not having a sitting membership to review and recommend lands being acquired by the federal government to the Governor and Council.

The Commissioners strongly believe that maintaining the current language pertaining to towns, cities, and unincorporated places, allowing the governing bodies of any affected community to procedurally hold a public hearing must be preserved. This language ensures that each community is allowed a voice in the process prior to the Governor and Council accepting leases or enter into other agreements with the United States, or any other duly authorized agency.

Thank you for your consideration,

Christopher Coates
County Administrator
County of Cheshire
12 Court Street
Keene NH 03431
603-355-3031
ccoates@co.cheshire.nh.us

Area Code 603

♦ County Commissioners 352-8215/Fax 355-3026 ♦ Registry of Deeds 352-0403/Fax 352-7678 ♦ Finance Department 355-0154/Fax 355-3000 - 12 Court Street, Keene, NH 03431 ♦ County Sheriff 352-4238/Fax 355-3020 ♦ County Attorney 352-0056/Fax 355-3012 - 12 Court Street, Keene, NH 03431 ♦ Alternative Sentencing/Mental Health Court 355-0160/Fax 355-0159 - 33 West St. Keene N.H. ♦ Department of Corrections 825 Marlboro Street, Keene, 03431 - 903-1600/Fax 352-4044 ♦ Maplewood Nursing Home & Assisted Living 399-4912/Fax 399-7005 - TTY Access 1-800-735-2964 ♦ Facilities 399-7300/Fax 399-7357 ♦ Human Resources 399-7317/399-7378/Fax 399-4429 - 201 River Rd, Westmoreland, NH 03467

March 8, 2017

To:

Senator Carson and member of the Executive Departments and Administration Committee

My name is Joseph Cartwright and I am a tree farm owner in Alstead NH and the Cheshire County Commissioner for District 3 that includes the towns of Alstead, Dublin, Fitzwilliam, Gilsum, Harrisville, Jaffrey, Marlow, Nelson, Richmond, Rindge, Stoddard, Sullivan and Troy.

I thank you, for this opportunity to speak before you concerning SB136.

Most of Cheshire County is within the borders of the Silvio Conte Wildlife Refuge and the first 15-year plan for acquisitions includes acquiring 90% of the acreage in the Conservation Focus Area (CFA) plus 10% of the acreage within the Conservation Partnership Area (CPA).

North of the city of Keene the CPA is the watershed for the Ashuelot River and south of Keene is the Sprague Brook CPA. Eleven of the twenty-three towns in Cheshire County will be impacted by the USFWS current CPA plan. In the CFA the USFWS plans to acquire:

25% of the acreage in Alstead
52% of the acreage in Gilsum
32% of the acreage in Marlow
37% of the acreage of Surry
14% of the acreage of Richmond


If these acquisitions are completed, a number of these towns could exceed the current 5% limit for total assessed valuation within each town as stated in current law RSA121: 6

Cheshire County is economically challenged and we the Cheshire County commissioners are concerned that these acquisitions will negatively impact the tax base of the towns of Cheshire County, existing and future business development and employment opportunities within Cheshire County.

The 3 Cheshire County Commissioners voted unanimously to support OTP for Senate Bill 136.

Thank you again for this opportunity to comment on Senate Bill 136.

Sincerely,



Joseph Cartwright

Vice Chairman

Cheshire County Commissioners



**NEW HAMPSHIRE
LAND TRUST
COALITION**



Chris Wells
Executive Director
Email: cwells@plcnh.org
Mobile: 603-496-9246

www.plcnh.org 603.487.3331
5A Mill Street New Boston, New Hampshire 03070

BOARD OF
DIRECTORS

March 8, 2017

President
Ryan Owens
Monadnock
Conservancy

Senator Sharon Carson
Chair, Executive Departments & Administration Committee
Legislative Office Building, Room 101
107 North Main Street
Concord, NH 03301

Vice President
Don Berry
Lakes Region
Conservation Trust

RE: SB 136

Dear Senator Carson:

Treasurer
Brian Hotz
Society for the
Protection of
NH Forests

On behalf of the board of directors of the New Hampshire Land Trust Coalition, I write to urge your committee to recommend as "inexpedient to legislate" SB 136, a bill to that would require approval from the governor and executive council for federal land acquisitions from willing sellers and donors, and set absolute limits on the total amount of land under federal ownership or easement.

Secretary
Pete Helm
Squam Lakes
Conservation Society

New Hampshire's conserved open spaces are widespread and diverse, yet nearly all began with a **private landowner's free and personal choice** to donate or sell land for conservation, to a private land trust, municipality, or government agency. Yet under SB 136, if a New Hampshire citizen chooses to donate or sell their property to a federal agency, state government would interfere with that landowner's private property rights by placing in his or her path a burdensome and politicized process. In some cases, this process would ultimately deny a landowner the right to sell or give their property to the entity of their choice.

William Abbott
Upper Saco Valley
Land Trust

The mission of the New Hampshire Land Trust Coalition, established in 2012, is to advance land conservation in New Hampshire through professional development, policy advocacy, and education. Our 31 member land trusts represent thousands of New Hampshire citizens who value our state's natural, scenic, and recreational assets.

Duane Hyde
Southeast
Land Trust of
New Hampshire

From Lake Umbagog to Great Bay, New Hampshire's land trusts have long viewed the federal government as a partner in our efforts, often achieving conservation objectives critical and complementary to our own. For example, the Wetlands Reserve Program of the Natural Resources Conservation Service is employed by many land trusts to purchase federally-held conservation easements on critical inland and coastal wetlands. That program, too, would be impacted by SB 136. We also have concerns that the bill could be interpreted to apply to other programs in which the federal government is a co-holder of conservation interests.

Jan McClure
The Nature
Conservancy

Beth McGuinn
Five Rivers
Conservation Trust

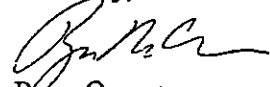
For all these reasons, we urge you to vote SB 136 as inexpedient to legislate. Thank you for your attention to this important issue, and please do not hesitate to contact us if you require additional information.

Jeanie McIntyre
Upper Valley
Land Trust

Ken Stern
Five Rivers
Conservation Trust

Sincerely,

Chris Wells
Piscataquog Land
Conservancy


Ryan Owens
President
NHLTC

NHLTC
54 Portsmouth St.
Concord, NH
03301

www.nhltc.org

#7

#8



March 8, 2017

Senator Sharon Carson
Chair, Executive Departments & Administration Committee
Legislative Office Building, Room 101
107 North Main Street
Concord, NH 03301

RE: SB 136 – recommend as inexpedient to legislate

Dear Senator Carson and Members of the Committee:

As the Executive Director of the Southeast Land Trust of New Hampshire (SELT), I write to urge your committee to recommend SB 136 as “inexpedient to legislate”. This bill would require approval from the local governing body and the governor and executive council for federal land acquisitions from willing sellers and donors, and amends existing law to include conservation easements under the limits on the amount of land under federal control.

SELT works in the 52 communities of Rockingham and Strafford counties, and partners directly with landowners and municipalities to permanently conserve critical lands for drinking water, local farms, sustainable forestry, and wildlife habitat. **In all cases, our landowners have voluntarily come to the table to discuss and consider the conservation of their land and have independently decided that a conservation outcome is appropriate for them.** These landowners are exercising their fundamental, constitutional right to sell their land, or a conservation easement while retaining private ownership.

SB 136 is clear and direct interference with these landowners’ private property rights, as the bill seeks to insert local and state government into a family’s personal decision about what to do with what is often a family’s biggest asset – its land. In fact, SB 136 creates a cumbersome, bureaucratic process by which the local governing body and the Governor and Executive Council, as well as the Department of Resources and Economic Development, must consider, review, and approve the proposed transfer of interests to the federal government. Approval by state or local government agencies is required under current state law, *but only when a municipality or state program is actually providing funding toward the proposed sale*, which is clearly not the intent under SB 136.

SB 136 expands current state law under RSA 121 to redefine the term “acquisition” to include “easements where the federal government is the primary holder of the easement.” **This language is a problematic expansion of the original statute that could have unintended consequences on local land conservation efforts.** RSA 121 was originally enacted in 1935 and is tied to the creation of the White Mountain-National Forest and the associated acquisition of fee ownership by the federal government of lands within the boundaries of the National Forest. Unlike acquisitions of land like in the case of the National Forest, whether the conservation easement is held by a private non-profit like SELT, or a federal agency, the underlying land remains privately owned. The landowner continues to pay property taxes, and may continue timber harvesting (and paying timber taxes), farming, and outdoor recreational activities. Once the land is conserved with a conservation easement, the private landowner may sell or give the easement encumbered property to anyone, at anytime like any other



real estate asset. SB 136 treats both federally-funded conservation easements and federal ownership of the land as one and the same, when they are fundamentally quite different.

In short, SB 136 has many fatal flaws and appears to address an issue that does not exist, and in doing so, creates additional challenges to conserving New Hampshire's high quality of life and natural resources. On behalf of our communities and partnering landowners, we respectfully request that this bill be recommended as Inexpedient to Legislate. Thank you for considering our testimony and I would welcome the opportunity to answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Hart", with a long horizontal flourish extending to the right.

Brian Hart
Executive Director

#9



New Hampshire Association of Conservation Commissions

SERVING NEW HAMPSHIRE'S COMMUNITIES SINCE 1970

TO: Senate Executive Departments and Administration Committee
FROM: Barbara Richter, NHACC Executive Director
DATE: March 7, 2017
SUBJECT: Written testimony regarding SB136

Thank you members of the committee for the opportunity to discuss SB136. New Hampshire's natural resources are critical to our economic vitality and ensures NH remains a healthy place to live and work. We must continue working to conserve and protect our state's unique natural areas. This bill will limit the opportunity for both private individuals and NH cities and towns to protect natural resources.

The Board of Directors of the NH Association of Conservation Commissions strongly opposes SB136. NHACC believes the passage of this bill will cause serious unintended consequences for landowners and municipalities. We have heard from our local conservation commissions members and they **do not want the State to impose limitations on their conservation projects.**

Senate Bill 136 would create several issues for municipalities.

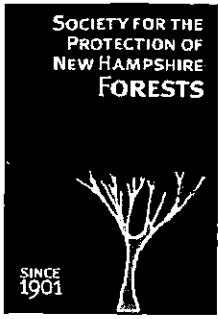
- This bill would create **difficulties for municipalities in assessing properties**, which could lead to increased costs to local taxpayers. It will cause unnecessary (and unfunded) work at the municipal level by requiring towns to go through an additional evaluation process to determine the "highest and best use" value of a conservation easement as determined by a certified assessor.
- It would **limit the ability of municipal conservation commissions to protect natural resources**, a task set forth by enabling legislation (RSA 36-A:2). *"A town may establish a conservation commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town."*
- Requiring a **certificate of compliance from DRED**, will stall the process of many land conservation transactions, potentially blocking private real estate transactions, which would limit the ability of municipal commissions to protect natural resources.

This legislation will severely limit the ability of private landowners to sell land or conservation easements to willing buyers by forcing the Executive Council, and the Department of Resources of Economic and Development into the review process of private land transactions. **NHACC opposes the limitations set by government regulations in SB136 that will hinder private real estate sales and local land acquisition projects.**

Working to protect our state's natural resources is not an easy job. More than 1,000 volunteers serve on the state's 217 conservation commissions. NH town conservation commissions are tasked with conducting town natural resources inventories, coordinating conservation activities including environmental education, land protection, wetland evaluation and so much more. Please help conservation commissions continue this critical work and vote **Inexpedient to Legislate on SB 136.**

Respectfully submitted,

Barbara Richter, Executive Director



54 Portsmouth Street
Concord, NH 03301

Tel. 603.224.9945
Fax 603.228.0423

info@forestsociety.org
www.forestsociety.org

#10

March 8, 2017

The Honorable Sharon Carson
Chair, Executive Departments & Administration Committee
Legislative Office Building, Room 101
107 North Main Street
Concord, NH 03301

Dear Senator Carson:

Thank you for this opportunity to register the Society for the Protection of New Hampshire's Forests opposition to SB 136 which would require approval of federal land acquisitions by the governor and executive council. We believe this legislation would undermine the private property rights of individual New Hampshire citizens by restricting their ability to sell property and property interests to a willing buyer. We would therefore urge you to vote this bill as Inexpedient to Legislate.

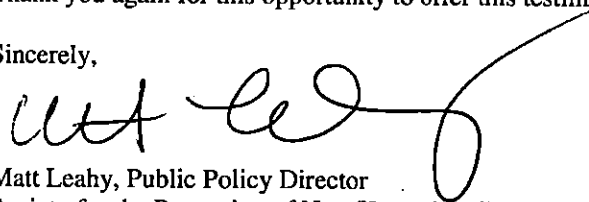
We have two primary concerns with the bill. First, an individual's right to buy, own, and sell property is a bedrock principle of our society. The restrictions established in SB 136 would serve as a form of eminent domain, through which the state of New Hampshire would be taking away fundamental property rights from individual citizens. Furthermore, for many Granite Staters, the decision to sell their property or property interests is one of the most personnel and financially significant decisions they will make. They do not make this kind of decision easily. Most land trusts who work with these families can recount the years of careful planning that occur after the initial conversation with a landowner before a conservation easement or fee title sale is finally executed. SB 136 does not provide constructive support to landowners in this situation. Instead, it presents a barrier to the rights of those landowners who have made the decision that conserving their land is in the long-term best interests of not only the property but of their family and community.

Second, the bill's definition of acquisition to include "easements where the federal government is the primary holder of the easement" further undermines private property rights. As you know, when a landowner places a conservation easement on their property, the landowner continues to own the land. By prohibiting a landowner from entering into such an agreement with the federal government, the State has singled out that landowner for treatment to which another landowner is not subject. In our view, state policy should encourage the retention of conservation lands by private landowners, not discourage them from taking such steps.

The arguments in favor of SB 136 appear to be in response to federal landownership activities in both the Silvio O. Conte and Umbagog National Wildlife Refuges and the perceived detrimental impacts to the communities in which those federal acquisitions have occurred. However, before we authorize greater powers to the State to intervene in a private citizen's ability to sell their land, we would encourage state policy leaders to carefully consider if such a change is in line with the values we hold in New Hampshire.

Thank you again for this opportunity to offer this testimony.

Sincerely,


Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests



NHTOA
NH TIMBERLAND OWNERS ASSOCIATION

11

March 8, 2017

Senator Sharon Carson, Chairman
Senate Executive Departments and Administration Committee
New Hampshire Legislative Office Building, Room 101
Concord, NH 03301

RE: Senate Bill 136, *AN ACT eliminating the land use board and requiring approval of federal land acquisitions by the governor and council*

Dear Chairman Carson and members of the Committee:

Thank you for the opportunity to submit this letter in support of Senate Bill 136. Founded in 1911, the New Hampshire Timberland Owners Association (NHTOA) represents forest landowners and the forest products industry in New Hampshire. This sector of New Hampshire's economy represents the third-largest sector of manufacturing in the state, directly employing more than 7,700 people, and contributing \$1.394 billion dollars to the state's economy.

The NHTOA promotes responsible land management, working forests and their contribution to the state's environment and economy. Historically federal timberland has been a significant contributor to the state's forest products industry and economy. But, due to federal cuts to land management budgets, cuts to payment in lieu of property tax programs (PILOT); and shifting land management philosophies in Washington D.C., the economic contribution federal forests make is diminishing. This reduction in economic activity is felt by private companies that made investments to harvest or process federally owned timber, and the local economies that no longer receive the timber tax revenue, PILOT payments, nor realize the economic activity managed lands generate (e.g. jobs/payroll, etc.).

Although land management budgets and PILOT budgets are perennially cut, a number of federal agencies continue to acquire more land. The NHTOA believes it is irresponsible for an agency (state or federal) to acquire private working forestland using taxpayer dollars without the interest or means to manage the land and fulfill their tax/PILOT obligations. It is for this reason the NHTOA supports the intent of Senate Bill 136.

Senate Bill 136's update of RSA 121 is overdue. The NHTOA applauds the federal agencies that are currently taking the time and resources to comply with the intent of RSA 121 and believes the updates to RSA 121 will compel the other federal agencies to comply with this statute.

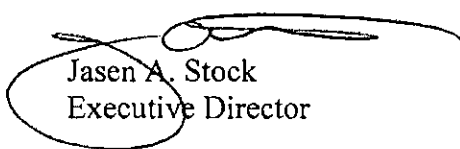
54 PORTSMOUTH ST., CONCORD, NH 03301
603-224-9699 • FAX 603-225-5898 • WWW.NHTOA.ORG

Growing Leadership for New Hampshire's Forests

Lastly, the NHTOA believes Senator Guida will be introducing an amendment to Senate Bill 136 at the hearing. Unfortunately, given the timing of today's hearing and the release of the amendment language, the NHTOA has not had an opportunity to fully review this proposal and therefore is not in a position to comment on it. But, we look forward to contributing towards any future discussions on Senate Bill 136 and the proposed amendment.

Again, the NHTOA thanks you for the opportunity to comment on Senate Bill 136.

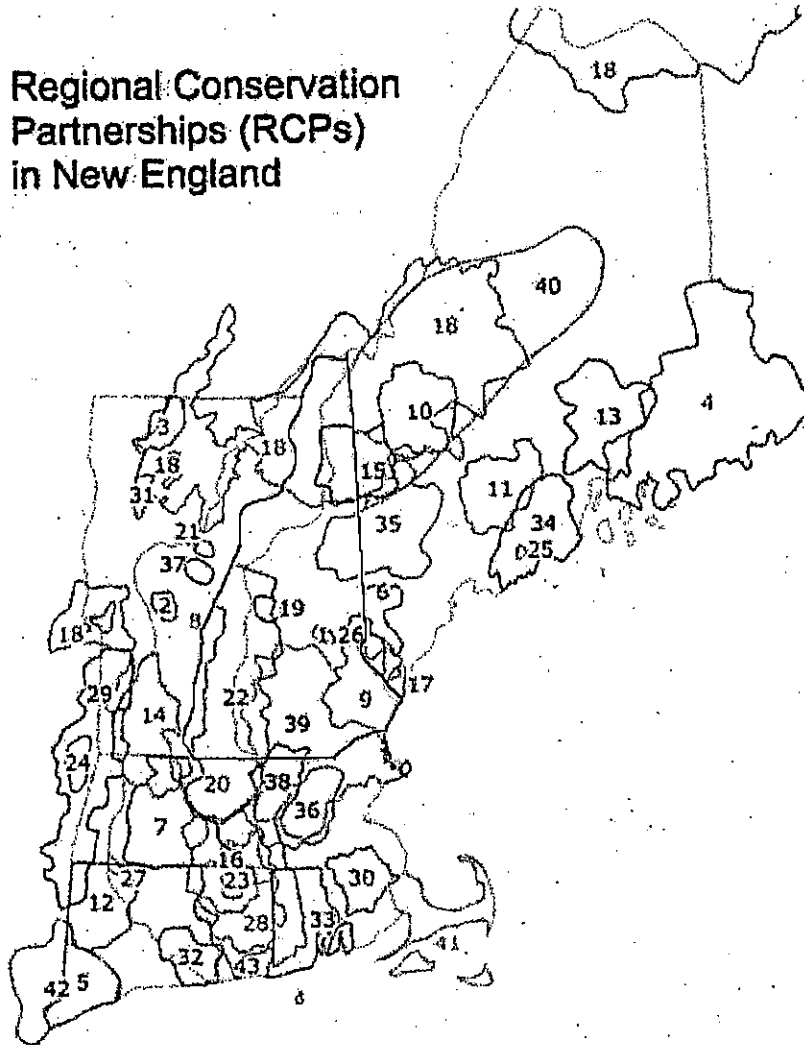
Sincerely,



Jasen A. Stock
Executive Director

CC: N.H. Senate Executive Departments and Administration Committee

Regional Conservation Partnerships (RCPs) in New England



- 1 Belknap Range Conservation Coalition
- 2 Chateaugay No Town Conservation Project
- 3 Cold Hollow to Canada Forest Link Project
- 4 Down East Research and Education Network
- 5 Fairfield County Regional Conservation Partnership
- 6 Forest Works!
- 7 Forever Farmland Initiative
- 8 Friends of the Silvio O. Conte National Fish and Wildlife Refuge
- 9 Great Bay Resource Protection Partnership
- 10 High Peaks Initiative
- 11 Kennebec Woodland Partnership
- 12 Litchfield Hills Greenprint Collaborative
- 13 Lower Penobscot Watershed Coalition
- 14 MA-VT Woodlands Partnership
- 15 Mahoosuc Initiative
- 16 Mass-Conn Sustainable Forest Partnership
- 17 Mt. Agamenticus to the Sea Conservation Initiative
- 18 Staying Connected Initiative
- 19 Newfoundland Conservation Partnership
- 20 North Quabbin Regional Landscape Partnership
- 21 Orange County Headwaters Project
- 22 Quabbin to Cardigan Partnership
- 23 Quiet Corner Initiative
- 24 Rensselaer Plateau Working Forest Initiative
- 25 River-Link
- 26 Salmon Falls Watershed Collaborative
- 27 Sandy Brook Conservation Corridor
- 28 Southern New England Heritage Forest Partnership
- 29 Berkshire-Taconic Regional Conservation Partnership
- 30 Resilient Taunton Watershed Network
- 31 Chittenden County Uplands Conservation Project
- 32 Lower CT River and Coastal Region Land Trust Exchange
- 33 Rhode Island Woodland Partnership
- 34 12 Rivers Conservation Initiative
- 35 Upland Headwaters Alliance
- 36 West Suburban Conservation Council
- 37 Taylor Valley Conservation Project
- 38 Nashua River Forest Partnership
- 39 Merrimack Conservation Partnership
- 40 Mountain Conservancy Collaborative
- 41 Massachusetts Coastal Pine Barrens Partnership
- 42 Hudson to Housatonic Regional Conservation Partnership
- 43 Thames River Basin Partnership

Data From B&B Labich, HighLead 10/19/2015

TESTIMONY # 12

Granite State Future(s)

Exposing Regionalism in New Hampshire



Regarding the Federal Taking of Land in NH (RSA 121)

Tweet

This is an open letter from someone who is being affected by the federal takeover of lands in New Hampshire.

To Whom it May Concern,

We have been hurt by this federal takeover. One neighboring town is just about gone. Its only store closed a month ago. We are over 1/3 federal now and Upton, Maine is barely hanging on. After fighting this for 10 years, a lot have either sold out or resigned themselves to staying as long as they can hold on to their jobs and pay their property taxes. Woods roads are left to ruin, culverts are pulled out and with the next CCP, they will once again attempt to wipe out snowmobile trails.

Up here, we have no voice as Sen. Jeff Woodburn (D-NH), and all our federal delegation support this takeover. Even Bill Carpenter of DRED, who took an oath to uphold our laws, ignored RSA 121. While we up here are, in all probability, going to be consumed by this cancer, people downstate may be saved by seeing our hardship and timber industry devastation. When the right people get hurt, things may happen, because a lot of Southern NH is going to see their playground gone and heavily regulated, especially those who enjoy motorized recreation or hunt. Even bicycles are banned on most of their roads.

Good luck fighting the Beast that is wiping out local control and our state. Our only hope is that by some miracle, those we elect will support us and vote to starve the beast or at least uphold our law.

*Yours in Liberty,
Bob Lord, Errol, NH*

This entry was posted in Miscellaneous on January 11, 2017

[<http://granitestatefutures.org/news/2017/01/11/regarding-the-federal-taking-of-land-in-nh-rsa-121/>] by GSF.

TITLE IX

ACQUISITION OF LANDS BY UNITED STATES; FEDERAL AID

CHAPTER 121

ACQUISITION OF LANDS BY UNITED STATES FOR PURPOSES OF PUBLIC CONSERVATION, FORESTRY, RECREATION, EXPERIMENTATION OR DEMONSTRATION

Section 121:1

121:1 Acquisition Authorized. – Subject to the provisions of this chapter, consent is given to the acquisition of lands in this state by the United States of America for any public purpose duly authorized by the laws of the United States.

Source. 1935, 74:1. RL 3:1.

Section 121:2

121:2 Land Use Board. – There shall be a land use board consisting of the members of the planning and development commission. The members of the board shall serve without compensation. They shall establish reasonable rules of procedure and shall keep written records.

Source. 1935, 74:3. 1987, 26:1. RL 3:2.

Section 121:3

121:3 Approval of Acquisition. – No land shall be acquired pursuant to this chapter until the acquisition shall have been recommended by the land use board and approved by the governor and council; but the provisions of this chapter shall not apply to the acquisition by the United States of sites for post offices, custom houses, or other public buildings or effect an amendment or repeal of RSA 123 or RSA 272.

Source. 1935, 74:2. RL 3:3.

Section 121:4

121:4 Procedure. – At least 14 days before the land use board shall take action upon any proposed acquisition of land in any town or city, it shall, by letter addressed to the board of selectmen in such town, or to the board of mayor and aldermen in such city, advise it of the proposed acquisitions. At the request of the selectmen in such town or the board of mayor and aldermen in such city where the purchase of such land is contemplated, the land use board shall grant a public hearing in such town or city, or at some other convenient place. Provided, however, that no land shall be acquired under the provisions of this chapter until the acquisition of the same shall be approved by a majority of the voters present and voting at a regular or special town meeting in towns, or by a majority vote of the board of mayor and aldermen in cities.

Source. 1935, 74:4. RL 3:4.

Section 121:5

121:5 Approval by Governor and Council. – The governor and council, upon recommendation of the land use board, are authorized on behalf of the state: (a) To accept leases or enter into other agreements with the United States, or a duly authorized agency thereof, for the administration and maintenance of any such lands, with or without improvements, upon such terms and conditions as they may consider proper. Net income derived from any of such lands which may be designated for administration by the state forestry department shall be disposed of by the governor and council in the same manner as other income received from state forests and forestry reservations; and all income from other such lands shall be covered into the general funds of the state; (b) To accept deeds from the United States, of any such lands, upon such terms and conditions as they may consider proper.

Source. 1935, 74:5. RL 3:5.

Section 121:6

121:6 Limitations on Right to Acquire. – Lands which may be acquired under this chapter shall be such as by reason of quality, location, or condition are better adapted to public conservation, forestry, recreation, experimental, and demonstration purposes than for continued private ownership and development. Such acquisition shall be limited in total within the state to 2 percent of the total land area of the state, and shall be further limited in each town or city to an amount of land, the assessed valuation of which on April 1 of the preceding year was 5 percent of the total assessed valuation on such date of all the real estate in such town or city. The provisions of this chapter shall not limit the authority of the United States to acquire lands for the White Mountain National Forest within the boundaries established by proclamation of the president of the United States, dated October 26, 1929; and the limitations as to area and valuation contained in this section shall not apply to acquisitions within the boundaries of the existing White Mountain National Forest Purchase Unit, or any new national forest purchase units that may be recommended by the land use board and approved by the governor and council; nor shall such acquisitions be included in computing such limitations.

Source. 1935, 74:6. RL 3:6.

Section 121:6-a

121:6-a Report on Federal Landholdings. – The commissioner of the department of resources and economic development shall annually prepare and file a report on the current inventory of federal landholdings within the state and calculate what percentage of New Hampshire land is held by the federal government in accordance with RSA 121:6. Such report shall be filed with the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before July 1.

Source. 2016, 162:1, eff. June 3, 2016.

Section 121:7

121:7 Jurisdiction Over Lands Acquired. – The state shall retain concurrent jurisdiction with the United States in and over all lands acquired hereunder so far that the civil and criminal law of this state shall apply on said lands; and exclusive jurisdiction in and to said lands shall revert to the state when such lands shall cease to be owned by the United States.

Source. 1935, 74:7. RL 3:7.

Section 121:8

121:8 Eminent Domain Proceedings, When Permissible. – No owner of land which the United States proposes hereby to acquire shall be required to sell by institution of proceedings for condemnation; but when a landowner shall have agreed to sell to the United States and the sale price has been agreed upon, proceedings for condemnation may be instituted for the sole purpose of clearing title.

Source. 1935, 74:8. RL 3:8.

From: Roberge, Griffin [mailto:Griffin.Roberge@leg.state.nh.us]

Sent: Friday, March 03, 2017 2:11 PM

To: Jasen Stock; Matt Leahy (mleahy@forestsociety.org); Anne Cartwright; Simpkins, Brad

Subject: Amendment to SB 136

Good afternoon all,

Senator Giuda wanted me to pass along this amendment he drafted on SB 136. It does make changes regarding the value of the land.

Should anyone have any questions or wish to speak with Senator Giuda, please let me know. I will try and set aside some time for you to speak with him.

Have a good weekend,

Griffin Roberge

Legislative Aide to Senator Bob Giuda and the Senate Energy Committee

Phone: (603) 271-2878

E-mail: griffin.roberge@leg.state.nh.us

Sen. Giuda, Dist 2
March 3, 2017
2017-0712s
08/03



Amendment to SB 136

1 Amend RSA 121:6 as inserted by section 5 of the bill by replacing it with the following:

2

3 **121:6 Limitations on Right to Acquire.** Lands which may be acquired under this chapter shall
4 be such as by reason of quality, location, or condition are better adapted to public conservation,
5 forestry, recreation, experimental, and demonstration purposes than for continued private
6 ownership and development. Such acquisition shall be limited in total within the state to 2 percent
7 of the total land area of the state. *Such acquisition* [~~and~~] shall be further limited in each town,
8 [~~er~~] city, or *unincorporated place* to an amount of land, the assessed valuation of which [~~on April~~
9 ~~1 of the preceding year was 5 percent of the total assessed valuation on such date of all the real~~
10 ~~estate in such town or city. The provisions of this chapter shall not limit the authority of the United~~
11 ~~States to acquire lands for the White Mountain National Forest within the boundaries established~~
12 ~~by proclamation of the president of the United States, dated October 26, 1929; and the limitations as~~
13 ~~to area and valuation contained in this section shall not apply to acquisitions within the boundaries~~
14 ~~of the existing White Mountain National Forest Purchase Unit, or any new national forest purchase~~
15 ~~units that may be recommended by the land use board and approved by the governor and council;~~
16 ~~nor shall such acquisitions be included in computing such limitations.] *shall not result in total*
17 *lands held by the federal government to exceed 4 percent of the total assessed valuation of*
18 *all the real estate in such town, city, or unincorporated place at the time of acquisition*
19 *and shall be approved by a vote of the governing body after complying with RSA 121:4.*
20 *The assessed value shall be the fair market value at the time of acquisition as determined*
21 *by an assessor certified under RSA 21-J:14-f and possessing either the property assessor or*
22 *property assessor supervisor certification level. A town, city, or unincorporated place may*
23 *allow a land acquisition to exceed the 4 percent assessed valuation limit by a vote of the*
24 *legislative body.*~~

25

26 Amend the bill by replacing section 6 with the following:

27

28 **6 New Section; Federal Land Acquisition; Recordkeeping.** Amend RSA 121 by inserting after
29 section 3 the following new section:

30

31 **121:3-a Recordkeeping.** Prior to the sale or transfer of any property or easement to any federal
32 agency, such property or easement owner shall apply to the department of resources and economic
development for review and approval in accordance with this chapter. Upon determination that the



1 proposed transaction complies with this chapter, the commissioner of the department of resources
2 and economic development shall communicate to the register of deeds of the municipality wherein
3 the transferred property is located news of such transfer including a record of the vote of the
4 executive council and governor approving such transfer, to be affixed as a note on the title of such
5 property.

6

7 Amend the bill by deleting section 7 and renumbering the original sections 8-12 to read as 7-11,
8 respectively.



2017-0712s

AMENDED ANALYSIS

This bill eliminates the land use board, requires approval of federal land acquisitions by the governor and executive council, and requires the commissioner of the department of resources and economic development to notify the register of deeds in the municipality where such land is sold or transferred to the federal government.

Chroniak, Deborah

SUBMISSION #2

From: Rob Wofchuck <robwof@gmail.com>
Sent: Monday, March 06, 2017 2:39 PM
To: Carson, Sharon; johnreagan111@gmail.com; Bourque, Katherine; Soucy, Donna; Woodburn, Jeff
Subject: Please do not pass SB136

Follow Up Flag: Follow up
Flag Status: Completed

Dear Committee Members,

Please do not pass SB136 as it will have unintended consequences for local conservation commissions like the one in Brentwood. There are many studies that show that land conservation keeps taxes lower than development over the long run. Why would you pass a bill like SB136 that makes it harder for towns to conserve land and protect the character of NH.

With limited funds available for land protection, SB136 would just make it that much harder to protect land and find the funding for it. Programs like those from NRCS are critical and have been used extensively in Brentwood and other towns in Rockingham and across the state. This bill would increase costs unnecessarily.

Please do not let this bill pass. Thank you.

Rob Wofchuck
Brentwood, NH

From: Mike Speltz <mikespeltz@me.com>
Sent: Monday, March 06, 2017 3:23 PM
To: Carson, Sharon
Subject: SB 136

Sharon, I am asking you to oppose passage of SB 136. This bill should be supported by no Republican. It adds administrative costs to every town, it has the potential to deny private landowners the ability to dispose of their land as they see fit, and it appears to fit the values of only a small minority of people who are opposed to land protection by the federal government. This bill is not the way to limit the federal government efforts to provide open spaces for all of us. It is highly inexpedient to legislate!

Thank you for considering my comments,

Mike Speltz

Sent from my iPad

From: Jay Diener <coastwalker1@gmail.com>
Sent: Monday, March 06, 2017 3:31 PM
To: Carson, Sharon
Subject: SB136

Dear Chairwoman Carson,

I am writing to express my concerns about SB136, which I understand will be heard by your committee this week. I am a member of the Hampton, NH conservation commission, and I am concerned about how this legislation may impose serious and unnecessary limitations on our ability to protect open spaces in our community. In the past, we have relied on organizations such as the Natural Resources Conservation Service to help fund the acquisition of conservation easement so we could reduce the financial burden on our taxpayers. In return, such organizations often ask to be the primary easement holder on those easements. We have named either the Town or a local land trust as the secondary easement holder so there is also local backup monitoring and control, should there be a problem with the primary easement holder. So far, we have had no problems with this system.

An additional concern is the burden of having to invest the additional time to work through DRED and the Governor and Executive Council to get such easements approved. There are often funding deadlines with various government and private granting organizations, and I am very concerned that the extra 50 days that must be built into the approval process could cause us to miss some critical deadlines.

Lastly, I am concerned about the percentage limitations on a local or statewide basis for such land transactions. It is not clear at all, especially if a municipality or private individual retains ownership of the land, what useful purpose such limitations serve. Deed restrictions and conservation easement documents ensure that the goals for the use of the land are well-documented and will be met.

I suspect that this legislation was proposed to help solve a particular problem in one community. We've seen in the past where such proposals have the potential for devastating unintended consequences in other communities across the state. I suspect that to be the case here, and I am very concerned about this bill's impact on our ability to protect our open spaces, critical watersheds, and wildlife habitats.

I respectfully encourage you to consider these concerns, and to look at the broader picture of what this bill, if passed, could do to hurt and not help conservation efforts across the state of New Hampshire. Conservation is an important part of what makes New Hampshire great. So we should be encouraging, and not limiting our conservation efforts.

Thank you.

Jay

Jay Diener
Hampton Conservation Commission
603.758.1177
coastwalker1@gmail.com

Chroniak, Deborah

SUBMISSION # 5

From: Margaret Merritt <peggymerritt@gmail.com>
Sent: Wednesday, March 08, 2017 9:19 AM
To: Carson, Sharon; Reagan, John; Bourque, Katherine; Soucy, Donna; Woodburn, Jeff; Bradley, Jeb
Subject: Opposition to SB136

Dear Senators:

The state already has regulations that limit the amount of land that the federal government can acquire, through ownership, to 2 percent of the state's landmass, excluding the White Mountain National Forest (WMNF). SB136 changes the definition of acquisition in RSA121:1 to include conservation easements, if the federal government is the primary easement holder. This change in definition will almost immediately push the state over the 2 percent limit on "acquisitions," have detrimental effect on conservation efforts in the state, and restrict the right of private property owners on the use of their land. Consequently, SB136 should be rejected.

A property on which its use is restricted by a conservation easement remains in private ownership and generates tax revenue for a town. Many individual property owners have received grants from the federal government through the Natural Resource Conservation Service (NRCS) for permanent protection of prime agricultural land as well as to restore wetlands and wildlife habitat; such funding requires that the NRCS be the primary easement holder. Similarly the state itself has partnered with federal agencies to place conservation easements on land to conserve it for state residents, with these agencies then holding the easement.

SB136 also removes the exemption for any future lands to be donated to the WMNF, thus interfering with what a private landowner might want to do with his property and be unconstitutional.

New Hampshire has long been known for its commitment to its glorious natural heritage. SB136 endangered that heritage and should be defeated.

Margaret Merritt

Center Sandwich, NH 03227-0060

603-284-6321

Chroniak, Deborah

SUBMISSION # 6

From: Scott & Linda Powell <snlp@aol.com>
Sent: Thursday, March 09, 2017 9:21 PM
To: Carson, Sharon; Reagan, John; Bourque, Katherine; Soucy, Donna; Woodburn, Jeff
Subject: SB136

Dear Members of the Committee hearing SB136, Carson, Reagan, Gannon, Soucy, and Woodburn,

I am very upset about SB136 and the fact that it eliminates my - and other New Hampshire citizens - right to do what I want with my land. I could perhaps understand the rule about limiting federal ownership of land outright, but not the ownership of easements. If I want to conserve my land, and I can get the best value from the government, I should be allowed to do so. This is just another infringement on my rights, and amounts to a taking of my land. Is the state of NH going to reimburse me for the difference in value between a federal easement purchase and a private easement purchase on my land? I did not expect this infringement on my rights as a citizen of New Hampshire, especially from Republicans.

I understand the desire to control federal ownership of New Hampshire land, but the citizens of NH should be able to conserve their land if they so choose.
Please work to stop this bill, and at a very minimum, remove the inclusion of easements.

Thank you, and thank you for your work for, and commitment to, the people of New Hampshire.

Scott Powell
Meredith, NH

Chroniak, Deborah

SUBMISSION #7

From: Steve Taylor <stephen.taylor@valley.net>
Sent: Monday, March 06, 2017 4:34 PM
To: Carson, Sharon
Subject: SB 136 concern

Dear Senator Carson and members of the Executive Departments Committee—I write to express my opposition to SB 136 relative to federal government acquisition of fee simple and easement interests in real property. My specific concern is that it tampers with the right of owners of private property to convey their interests in such property to whomever they wish and establishes a mechanism of government interference in private property rights which we have lived successfully without for centuries. Stephen H. Taylor. Meriden, NH.

Chroniak, Deborah

From: Scott Young <SAYoung603@outlook.com>
Sent: Tuesday, March 07, 2017 10:08 AM
To: Scott Young
Subject: Regarding SB136

Regarding SB136

Dear Committee Members,

It's recently come to my attention that unnecessary and burdensome legislation is headed for committee on Wednesday March 8th 2017 for consideration. I am in opposition to the State of NH, solely thru the governor and executive council needs to erecting barriers to the determination of what towns and individuals can do with their lands.

I/we as a citizen of Strafford and as a member of the Strafford Conservation Commission find that we are quite capable on a local level to qualify and transact real estate decisions concerning perseveration of our cultural and natural heritage without this proposed layer of bureaucratic interference and potential restriction, especially when the task of compliance is to be handled by the dysfunctionally underfunded NH DES.

Thank you for dropping this bill in the trash where it belongs.

Respectfully,

Scott A. Young

Scott A. Young
PO Box 123
Strafford, NH 03884
603 664 2846
SAYoung603@outlook.com

Chroniak, Deborah

From: Ellsmore, Rick - NRCS, Dover, NH. <Rick.Ellsmore@nh.usda.gov>
Sent: Tuesday, March 07, 2017, 10:32 AM
To: Carson, Sharon
Cc: 'Merrill, Lorraine (Lorraine.Merrill@agr.nh.gov)'; mzankel@tnc.org; bhotz@forestsociety.org; Linda Brownson (brownson@earthlink.net); Matt Leahy; 'Dea Brickner Wood (bluesky24@comcast.net)'; glenn.normandeau@wildlife.nh.gov; Weymouth, Deb - NRCS, Dover, NH; Knight, Susan - NRCS, Dover, NH; Smart, Brooke - NRCS, Dover, NH; jobrien@tnc.org
Subject: SB 136

Good morning Sharon,

My name is Rick Ellsmore and I am the State Conservationist with the New Hampshire USDA Natural Resources Conservation Service (NRCS). We administer the Conservation Title of the United States Department of Agriculture's Farm Bill which oversees three Easement Programs. Two of the three Easement Programs (Healthy Forest Reserve Program and the Wetland Reserve Easements), NRCS is the primary easement holder. With both of these easement programs, the landowner continues to pay property taxes and can continue to manage the property with a conservation plan. The easement is permanent and remains a part of the property in perpetuity.

Both of these programs are voluntary. NH NRCS receives an annual allocation for these programs in October of each year (typically between 3-5 million dollars), and must allocate those dollars by July of the following year or the funds are swept by our National Office for distribution to other states. There are several steps required in order to allocate funds and prepare for an easement closing. Time is crucial. There may be time challenges if there are state approvals needed along the way.

I am not sure how the proposed legislation in SB 136 would impact our program, but would be happy to discuss our programs with the committee. Unfortunately, I am not available for the hearing tomorrow, but could schedule a time to go over our programs if desired.

I have carbon copied some of the primary conservation partners who work with NRCS on our Easement Programs. Please let me know if I can answer any questions or provide further clarification.

Sincerely,

Rick

Rick Ellsmore
NH State Conservationist
273 Locust Street, Suite 2D
Dover, NH 03820
603 868 7581

Chroniak, Deborah

SUBMISSION #10

From: Katrina E Amaral <ked39@wildcats.unh.edu>
Sent: Tuesday, March 07, 2017 11:52 AM
To: Woodburn, Jeff; Soucy, Donna; Bourque, Katherine; Reagan, John; Carson, Sharon
Subject: Regarding SB136

To the members of the Executive Departments and Administrative Committee;

I am strongly opposed to the proposed SB 136. As a landowner, I am offended by your attempts to regulate what I can do with my land and what entities I could sell to. This bill infringes upon town and landowner rights and would put unnecessary burden on the state DRED, creating a needless amount of work at the expense of taxpayers. I would much prefer that you direct your efforts toward reducing regulatory requirements rather than creating new and unnecessary rules for landowners and municipalities.

Please oppose this bill and remove it from consideration.

Thank you,

Katrina Amaral

SUBMISSION #11

Chroniak, Deborah

From: A Sawyer <mapff12@gmail.com>
Sent: Tuesday, March 07, 2017 11:54 AM
To: Woodburn, Jeff; Soucy, Donna; Bourque, Katherine; Reagan, John; Carson, Sharon
Subject: Regarding SB136

To the members of the Executive Departments and Administrative Committee;

I am strongly opposed to the proposed SB 136. As a landowner, I am offended by your attempts to regulate what I can do with my land and what entities I could sell to. This bill infringes upon town and landowner rights and would put unnecessary burden on the state DRED, creating a needless amount of work at the expense of taxpayers. I would much prefer that you direct your efforts toward reducing regulatory requirements rather than creating new and unnecessary rules for landowners and municipalities.

Please oppose this bill and remove it from consideration.

Sincerely,
Miles Amaral

Chroniak, Deborah

SUBMISSION # 12

From: Deborah Lievens <dlievens@ix.netcom.com>
Sent: Tuesday, March 07, 2017 1:12 PM
To: Carson, Sharon; johnreagan111@gmail.com; Bourque, Katherine; Soucy, Donna; Woodburn, Jeff
Subject: SB 136 opposition to

- I am writing in opposition to SB 136. As a longtime member of the Londonderry Conservation Commission, I have been involved with land conservation and wetlands protection for years. Londonderry has a long history of land protection. Londonderry has been making considered decisions for land acquisition as far back as 1979. Early acquisitions would not have been possible without Federal grants, but we were able to apply for them and work with the agencies without extra layers of requirements. I would be concerned that SB 136 would create **difficulties for municipalities in appraising properties**, which could lead to increased costs to local taxpayers. It will cause unnecessary (and unfunded) work at the municipal level by requiring towns to go through an additional appraisal process to determine the "highest and best use" value of a conservation easement. It would affect the ability of local conservation commissions to protect local natural resources per our enabling RSA. Finally requiring a **certificate of compliance from DRED, will stall the process** of many land conservation transactions and potentially blocking real estate transactions, which would limit the ability of municipal commissions to protect natural resources. My years of experience have shown me that such purchases are often very time sensitive and opportunities could be missed. Thanks you for your consideration.

Best, Deborah Lievens, Londonderry NH

Chroniak, Deborah

SUBMISSION #13

From: Barbara Richter <barbara@nhacc.org>
Sent: Tuesday, March 07, 2017 1:19 PM
To: Carson, Sharon
Subject: SB136
Attachments: NHACC_testimony_SB136.pdf

Dear Senator Carson,

I have attached written testimony in regards to SB136, please share this information with the ED & A committee.

The Board of Directors of the NH Association of Conservation Commissions strongly opposes SB136. NHACC believes the passage of this bill will cause serious unintended consequences for landowners and municipalities. We have heard from our local conservation commissions members and they **do not want the State to impose limitations on their conservation projects.**

Senate Bill 136 would create several issues for municipalities.

- This bill would create **difficulties for municipalities in assessing properties**, which could lead to increased costs to local taxpayers. It will cause unnecessary (and unfunded) work at the municipal level by requiring towns to go through an additional evaluation process to determine the "highest and best use" value of a conservation easement as determined by a certified assessor.
- It would **limit the ability of municipal conservation commissions to protect natural resources**, a task set forth by enabling legislation (RSA 36-A:2). *"A town may establish a conservation commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town."*
- Requiring a **certificate of compliance from DRED, will stall the process** of many land conservation transactions, potentially blocking private real estate transactions, which would limit the ability of municipal commissions to protect natural resources.

Thank you for your consideration and vote **Inexpedient to Legislate on SB 136.**

--

Barbara Richter, Executive Director
NH Association of Conservation Commissions
54 Portsmouth Street
Concord, NH 03301
603.224.7867
Barbara@nhacc.org
www.nhacc.org



New Hampshire Association of Conservation Commissions

SERVING NEW HAMPSHIRE'S COMMUNITIES SINCE 1970

TO: Senate Executive Departments and Administration Committee
FROM: Barbara Richter, NHACC Executive Director
DATE: March 7, 2017
SUBJECT: Written testimony regarding SB136

Thank you members of the committee for the opportunity to discuss SB136. New Hampshire's natural resources are critical to our economic vitality and ensures NH remains a healthy place to live and work. We must continue working to conserve and protect our state's unique natural areas. This bill will limit the opportunity for both private individuals and NH cities and towns to protect natural resources.

The Board of Directors of the NH Association of Conservation Commissions strongly opposes SB136. NHACC believes the passage of this bill will cause serious unintended consequences for landowners and municipalities. We have heard from our local conservation commissions members and they **do not want the State to impose limitations on their conservation projects.**

Senate Bill 136 would create several issues for municipalities.

- This bill would create **difficulties for municipalities in assessing properties**, which could lead to increased costs to local taxpayers. It will cause unnecessary (and unfunded) work at the municipal level by requiring towns to go through an additional evaluation process to determine the "highest and best use" value of a conservation easement as determined by a certified assessor.
- It would **limit the ability of municipal conservation commissions to protect natural resources**, a task set forth by enabling legislation (RSA 36-A:2). *"A town may establish a conservation commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town."*
- Requiring a **certificate of compliance from DRED, will stall the process** of many land conservation transactions, potentially blocking private real estate transactions, which would limit the ability of municipal commissions to protect natural resources.

This legislation will severely limit the ability of private landowners to sell land or conservation easements to willing buyers by forcing the Executive Council, and the Department of Resources of Economic and Development into the review process of private land transactions. **NHACC opposes the limitations set by government regulations** in SB136 that will **hinder private real estate sales** and local land acquisition projects.

Working to protect our state's natural resources is not an easy job. More than 1,000 volunteers serve on the state's 217 conservation commissions. NH town conservation commissions are tasked with conducting town natural resources inventories, coordinating conservation activities including environmental education, land protection, wetland evaluation and so much more. Please help conservation commissions continue this critical work and vote **Inexpedient to Legislate on SB 136.**

Respectfully submitted,

Barbara Richter, Executive Director

Chroniak, Deborah

SUBMISSION #14

From: Rob Wofchuck <robwof@gmail.com>
Sent: Monday, March 20, 2017 12:55 PM
To: Carson, Sharon
Subject: SB 136

Dear Senator Carson,

I appeared at the hearing on this bill and am glad to see that the committee voted it Inexpedient to Legislate. I appeared personally at the hearing but am now writing to you in my capacity as Chair of the Brentwood Conservation Commission.

Following the hearing, the Commission voted at its meeting to formally oppose this bill. It seems apparent from the meeting that the communities in the north have a different situation than those of us in communities in the south. I think it is also clear that there is a big difference between Federal ownership and easements that use federal funding.

As stated at the meeting, this bill would have likely prevented hundreds of acres of conservation in Brentwood alone. This is a devastating bill to land conservation efforts in our town and the state and there are many studies showing that land conservation actually keeps taxes lower than having developments. It also seems that this bill basically takes away a private landowners rights to pursue an easement and makes the landowner go through an unnecessarily lengthy and cumbersome process.

It is really critical to our town's decades long effort in conservation that this bill be killed and remain killed. The vast majority of land conserved in town was with grants and matching funds from federal agencies.

We appreciate your consideration and ask you to vote to keep this bill from becoming law.

Thank you.

Robert Wofchuck
Brentwood Conservation Commission, Chair

Chroniak, Deborah

SUBMISSION

15

From: Ann Eldridge <ann@jaeldridge.com>
Sent: Tuesday, March 07, 2017 3:13 PM
To: Carson, Sharon
Subject: SB 136 comments

March 7, 2017

J. A. Eldridge
463 Rowe Mountain Road
Bradford, NH 03221

Senator Carson,

I am writing with comments on SB 136, limiting the use of Federal funds for acquisition or easement of properties within NH. Bradford is a small town, and yet we have seen how effective Federal programs can be in conserving special properties for future generations.

Keeping land in traditional forestry and agricultural uses enhances the entire state of NH and in addition helps to moderate property taxes locally. You must be aware that land held in 'open space' requires fewer town services and therefore costs a town less than land developed for housing.

Private landowners abutting these conserved properties have themselves put their land under protection thus magnifying the benefit. Agriculture is also to be encouraged to promote food security in the region and federal programs are one more way of doing that important work.

I don't understand a reason for this bill.

Sincerely,
JA Eldridge, a member of several conservation organizations and a voter.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, March 15, 2017

THE COMMITTEE ON Executive Departments and Administration

to which was referred **SB 136**

AN ACT

eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 2-1

Senator William Gannon
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of SB136

Docket Abbreviations

Bill Title: eliminating the land use board and requiring approval of federal land acquisitions by the governor and council.

Official Docket of SB136:

Date	Body	Description
1/24/2017	S	Introduced 01/19/2017 and Referred to Executive Departments and Administration; SJ 5
2/22/2017	S	Hearing: 03/08/2017, Room 101, LOB, 09:30 am; SC 12
3/15/2017	S	Committee Report: Inexpedient to Legislate, 03/23/2017; SC 15
3/23/2017	S	Inexpedient to Legislate, MF, VV; 03/23/2017; SJ 10
3/23/2017	S	Sen. Bradley Moved to Rerefer, MA, VV; 03/23/2017; SJ 10

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB136 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
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING
TESTIMONY #1-#12; SUBMISSION #1-#15
- 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):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

NOTE: IF A BILL HAS BEEN RE-REFERRED, PLEASE MAKE UP A DUPLICATE BILL FILE

DATE DELIVERED TO SENATE CLERK

7-5-17

BY:

Nehorah Chronak
COMMITTEE AIDE

2017 FORM