



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 27, 2015

The Honorable Chris Christensen, Chair
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

**RE: HB 201, relative to the acquisition of property rights at Back Lake Dam in the Town of
Pittsburg and Lake Armington Dam in the Town of Piermont, Cass Pond Dam in the Town
of Epsom and Chesham Pond Dam in the Town of Harrisville by the Department of
Environmental Services**

Dear Chairman Christensen and Members of the Committee:

Thank you for the opportunity to testify in support of HB 201, which would authorize the acquisition of easements at the state-owned Back Lake Dam in Pittsburg, Lake Armington Dam in Piermont, Cass Pond Dam in Epsom and Chesham Pond Dam in Harrisville. These easements are needed to maintain the safety of these dams and preserve the lakes that they impound.

Back Lake Dam and Lake Armington Dam are owned by the New Hampshire Fish and Game Department (NHFG), and Cass Pond Dam and Chesham Pond Dam are owned by the Department of Environmental Services (DES). Although none of the dams are in imminent danger of failing, all four dams need major reconstruction. The reconstruction will be performed by the DES Dam Bureau (DES), which performs the reconstruction of state-owned dams, as well as the daily operation and maintenance of dams owned by DES and NHFG.

When these dams were acquired, the state received title to the concrete dams, themselves. However, the properties acquired by the state did not include all of the earthen embankments that flank the concrete dams on either side, or did not include enough property to stage construction equipment necessary for the repair of these dams. In the case of Lake Armington Dam and Cass Pond Dam, there is seepage flowing through these embankments, and reconstruction is needed to control the seepage and prevent failure of the dams. At Back Lake Dam and Chesham Pond Dam, the concrete dams are deteriorated and must be reconstructed, but easements are needed so construction equipment can be staged at the sites. In addition, the earthen embankments are overgrown with trees, which must be removed to prevent failure of the embankments and loss of the lakes. In all these cases, easements are needed for the DES Dam Construction Crew to access the areas to be reconstructed and maintain the safety of the dams.

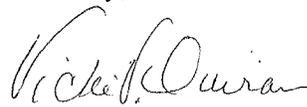
DES has spoken to some of the owners of the properties on which the easements are needed, and they are willing to provide the necessary easements to the state. However, under RSA 482:44, no dam or any real property appurtenant to a dam or any rights and easements in either may be acquired without an

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act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement. For this reason, passage of this bill is required for NHFG and DES to acquire the easements needed to reconstruct and maintain these dams in a safe condition.

Thank you for the opportunity to comment in support of this bill. Please contact Jim Gallagher, Dam Bureau Administrator, at 271-1961 or james.gallagher@des.nh.gov, or me at 271-2958 or thomas.burack@des.nh.gov if you have any questions or need additional information.

Sincerely,


for Thomas S. Burack
Commissioner

cc: Representative John Mullen