



The State of New Hampshire  
**Department of Environmental Services**



**Robert R. Scott, Commissioner**

January 23, 2018

The Honorable Carol McGuire  
Chair, House Executive Departments and Administration Committee  
Legislative Office Building, Room 306  
Concord, NH 03301

**RE: HB 1553, An Act relative to removal of trees from state property**

Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to testify on HB 1553, which would require state agencies to obtain the approval from abutters before removing trees from state-owned property that are within 50 feet of the property line. The New Hampshire Department of Environmental Services (NHDES) opposes this bill.

The State of New Hampshire, through its state agencies, owns 278 dams. Many of these dams, if they were to fail, would cause loss of life and major property damage downstream. There are more than 4,000 houses, 130 state road crossings and 800 town road crossings within the areas that would be inundated if these state-owned dams were to fail. In addition, failure of any one of these dams would result in loss of the economic benefits the impoundment provides.

Trees on and adjacent to a dam pose a significant threat to the safety of the dam. If they were to overturn or be uprooted, they can displace a large amount of embankment material, thereby lowering the dam crest resulting in overtopping of the dam, or reducing the effective width of the dam resulting in the acceleration of seepage through the dam. Also, roots of trees can facilitate seepage as they reach into the impoundment and open paths for seepage. In addition, trees and woody vegetation growing on or near dams can prevent sufficient sunlight from reaching the embankment, which can hinder the growth of desirable grassy vegetation. The absence of a stabilizing grass cover makes the earthen embankment sections of a dam susceptible to erosion damage. Trees and woody vegetation can also be so dense as to hinder visual inspection of the dam, leading to deficiencies going unnoticed, which, in turn, can affect the integrity and stability of the dam.

To remove the threat that trees pose to the safety of the dams, NHDES requires that all trees be removed from the entire dam, as well as from within a 15-foot buffer extending beyond both abutments and the downstream toe of the dam. If HB 1553 is enacted, it would allow a private landowner, who abuts a state-owned dam, to prohibit the removal of trees from the

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dam and the 15-foot buffer, and put lives and property downstream of the dam at greater risk. For this reason, NHDES opposes this bill.

Thank you again for the opportunity to testify on HB 1553. Should you have further questions or need additional information, please feel free to contact either Mark Stevens, NHDES Land Agent, ([Mark.Stevens@des.nh.gov](mailto:Mark.Stevens@des.nh.gov)) or Jim Gallagher, Dam Bureau Administrator, ([James.Gallagher@des.nh.gov](mailto:James.Gallagher@des.nh.gov), 271-1961)

Sincerely,



Robert R. Scott  
Commissioner

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cc: Sponsors of HB 1553: Representatives Fedolfi, Lebrun and Edwards; Senator Ward