



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 29, 2019

The Honorable John Cloutier
Chair, House Public Works and Highways Committee
Legislative Office Building, Room 201
Concord, NH 03301

RE: HB 679 – AN ACT authorizing the department of environmental services to lease land associated with state-owned impoundments

Dear Chair Cloutier and Members of the Committee:

Thank you for the opportunity to testify in support of HB 679, which would direct the Department of Environmental Services (NHDES) to develop rules to clarify its authority to lease state-owned land associated with impoundments formed by dams that NHDES manages.

NHDES owns, in fee simple, narrow strips of land around certain impoundments at state-owned dams including Goose Pond in Canaan and Hanover, the outlet of Lake Winnisquam upstream of Lochmere Dam in Belmont and Tilton, and Deering Reservoir in Deering. To enable abutting property owners to have docks on these waterbodies, NHDES, under its leasing authority established in RSA 481:3 IV, leases the land to the property owners so that they can apply for a dock permit.

This leasing program, and its procedures, was established by the New Hampshire Water Resources Board, the predecessor agency to NHDES, after the state's dock permitting program for inland waters was established. NHDES has been following, with some modification, those procedures since 1987 when the Water Resources Board was eliminated and NHDES took over its functions; however, those procedures are not consistent with the leasing procedures specified in RSA 4:40.

To continue to follow those procedures or modify them to make them more efficient, the NHDES leasing program should be exempted from RSA 4:40, and NHDES authorized to develop rules under RSA 541-A to clarify its existing leasing authority and establish criteria for leasing land associated with impoundments formed by the dams that NHDES manages.

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Thank you for the opportunity to comment in support of this bill. Please contact Mark Stevens, NHDES Land Agent, at 271-1960 or mark.stevens@des.nh.gov; Jim Gallagher, Dam Bureau Administrator, at 271-1961 or james.gallagher@des.nh.gov; or me at 271-2958 or robert.scott@des.nh.gov if you have any questions or need additional information.

Sincerely,

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

Robert R. Scott, Commissioner

cc: Sponsor of HB 679: Representatives Parkhurst