



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 29, 2019

The Honorable Martha Fuller Clark
Chair, Senate Energy and Natural Resources Committee
State House, Room 103
Concord, NH 03301

RE: SB 121-FN – AN ACT relative to the acquisition of rights and easements at Weeks Crossing Dam in the town of Warren by the department of environmental services

Dear Chair Fuller Clark and Members of the Committee:

Thank you for the opportunity to testify in support of SB 121-FN, which would authorize the acquisition of easements at the state-owned Weeks Crossing Pond Dam in Warren. These easements are needed to reconstruct the dam and operate and maintain it after it is reconstructed.

On July 1, 2017, Weeks Crossing Pond Dam in Warren, owned by the New Hampshire Fish and Game Department (NHFG), was destroyed during a flooding event. Under RSA 482:57, the NH Department of Environmental Services (NHDES) is responsible for the repair and reconstruction of state-owned dams, and operates and maintains the dams owned by NHFG.

While the state owns the dam, it does not own the land or easements necessary to reconstruct the dam. If the dam is to be reconstructed, the state needs easements from the owners of the properties at the dam site which are necessary to perform this reconstruction project. 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 act of the legislature which authorizes the acquisition of a particular dam, real property, or right or easement. For this reason, this bill is required for the state to acquire the necessary easements. The owners of the two abutting properties, on which the easements are needed, are willing to provide NHDES the necessary easements.

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 robert.scott@des.nh.gov if you have any questions or need additional information.

Sincerely,

Robert R. Scott, Commissioner

cc: Sponsors of SB 121-FN-: Senators Giuda, Reagan, Ward, Watters, Dietsch, Rosenwald, Birdsell, Chandley, Hennessey, Sherman; Representatives Pearl, Ford, Ruprecht