



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

January 28, 2020

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

RE: HB 1553-FN, AN ACT prohibiting the posting of certain state properties as no trespassing areas.

Dear Chair Cloutier and Members of the Committee:

Thank you for the opportunity to testify on HB 1553. The bill would prohibit state agencies from posting state property as a no trespassing or no hunting area unless the property is used for equipment storage or a safety issue exists. Under the bill, the Executive Director of the New Hampshire Fish and Game Department (NHFG) would be responsible for safety determinations. The New Hampshire Department of Environmental Services (NHDES) is concerned with this provision of the bill, and believes that safety determinations are more appropriately made by the state agencies owning the property.

NHDES owns 113 dams across the state, and is responsible for operating and maintaining those dams so as not to endanger the lives of the more than 20,000 people who live in the areas downstream that would be inundated if the dams were to fail. However, a greater risk to public safety is associated with the public accessing the dams themselves. In this country over the past 35 years, there have been nine times more fatalities from people recreating at dams than there have been from dam failures. Each year, dozens of lives are lost at dams across the country. People are often unaware of the dangers, or they underestimate their risk of falling victim to them. At those NHDES-owned dams where potential public safety hazards have been identified, it is critical that NHDES have the ability to limit public access to the site, not only to keep the public safe but also to limit the state's liability for accidents at the dam. Under the bill, NHDES would not have that ability and that responsibility would fall to the Executive Director of NHFG, who may not have the expertise to assess the safety risk associated with dams. For this reason, NHDES opposes the bill as written.

Thank you again for the opportunity to comment on HB 1553. Should you have questions or need additional information, please feel free to contact Jim Gallagher, Administrator of the Dam Bureau, at James.Gallagher@des.nh.gov, or via phone at 271-1961.

Sincerely,

Robert R. Scott
Commissioner

cc: Sponsors of HB 1553: Representatives Love, Potucek, Weyler