Bill as Introduced

HB 768 – AS INTRODUCED

2003 SESSION

03-0446
06/09

HOUSE BILL ***768***

AN ACT establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

SPONSORS: Rep. L. Pratt, Coos 2; Rep. King, Coos 1; Rep. Gilman, Graf 9

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 768 – AS INTRODUCED

03-0446
06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

Amendments

Rep. Royce, Ches. 28
March 19, 2003
2003-0891h
08/03

Amendment to HB 768

Amend the title of the bill by replacing it with the following:

AN ACT establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

Amend the bill by replacing all after the enacting clause with the following:

1 Committee Established. There is established a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production. The committee shall also study the need for a flood control and recreation dam and lake, known as the "Baker River Watershed Multiple Use Project Site 7" on the South Branch of the Baker River in Wentworth and shall examine the options for management of certain state-owned property along the Baker River that has been acquired for the project.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the

senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

2003-0891h

AMENDED ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and to study the use of certain state-owned property along the Baker River.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 768 Date March 4, 2003

Committee Resources, Recreation + Development

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Michelle Bouchard	Bennington	588 3311	Monadnock Paper Mills		✓
Robert Johnson II	295 Sheep Davis Road Concord	224-1934	NH Farm Bureau Fed.	✓	

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 768

BILL TITLE: establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

DATE: March 4, 2003

LOB ROOM: 305 **Time Public Hearing Called to Order:** 11:30 A.M.

Time Adjourned: 12:00 Noon

(please circle if present)

Committee Members: Reps. Royce, Lawton, R. Cooney, D. Fields, Russell, Bruno, D. Christensen, Akins, Camm, Ruffner, Cail, Campbell, C. LaFlamme, Merrow, Wiley, Spang, McEachern, Bleyler, Brueggemann, Donovan and Parkhurst.

Bill Sponsors: Rep. L. Pratt, Coos 2; Rep. King, Coos 1; Rep. Gilman, Graf 9

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

*** Rep. Leighton Pratt** - Prime sponsor of the bill. Concerned with varying level of Connecticut River.

Chairman Royce: Would you object to combining committees? ANS: Yes.

*** Rep. Fred King** - Supports the bill. Lakes in Pittsburg were so low that people couldn't use their boats (Particularly Lake Francis).

Rep. Christensen: Who owns Lake Francis Dam? ANS: State owns it and PSNH manages it.

*** Susan Paschell, USGEN** - Written testimony.

*** Ken Stern, SPNHF** - Supports the bill. Written testimony.

*** Testimony from Trout Unlimited.**

*** Jim Gallagher, NH Department of Environmental Services (DES)** - Favors bill. Suggests that minimum flow requirement cannot be tampered with, unless by agreement of stakeholders.

Rep. Pratt - Testified that flow is greatest when it's hot in Boston.

Respectfully submitted,

David H. Russell

Rep. David H. Russell, Clerk

Testimony

State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

March 4, 2003

The Honorable H. Charles Royce, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Subject: HB 768, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes

Dear Chairman Royce:

Thank you for the opportunity to comment on HB 768, which would establish a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

The management of flows in the Connecticut River and the operation of the dams on Lake Francis and the First and Second Connecticut Lakes are largely governed by formal contracts and agreements between the owners of the projects and various federal and state agencies and nongovernmental organizations in both New Hampshire and Vermont. The operation of these water storage projects is also affected by the conditions that have been imposed by the Federal Energy Regulatory Commission (FERC) in the license it issued to USGen New England, Inc (USGenNE) in April 2002 for the operation of the downstream Fifteen Mile Falls hydropower project. These contracts, agreements, and license conditions, which are described in the following paragraphs, were the result of protracted negotiations between some of the competing interests in the water resources of the upper Connecticut River watershed, and constrain to a degree how the flows in the river and the levels of the lakes can be managed. However, the Department of Environmental Services (DES) has no objection to the formation of a study committee to examine these agreements and operational requirements in detail, and determine the extent of the flexibility within the agreements to improve the balance of the competing needs in the upper Connecticut River watershed.

The DES Water Resources Council is the owner and operator of the Murphy Dam that impounds Lake Francis. Lake Francis is an artificial impoundment that was formed when Murphy Dam was constructed across the Connecticut River between 1938 and 1940. To finance the project, contracts were negotiated with the owners of hydropower plants downstream on the Connecticut River who benefited from the storage and delivery of water from Lake Francis. Under the terms of these contracts, these downstream hydropower operators paid annual water user fees sufficient to operate and maintain the project as well as pay interest on and amortize the bonds issued for construction of the dam. Pursuant to RSA 481:8, DES continues to maintain water user contracts with the downstream hydropower operators. Currently, DES has three water user contracts with downstream hydropower operators on the Connecticut River: one with Dodge

Falls Associates. L.P., for its Dodge Falls Hydroelectric Project in Bath; one with Public Service of New Hampshire for its Canaan Hydroelectric Project in West Stewartstown; and one with USGenNE for its Moore Station in Littleton, its Comerford and McIndoes Stations in Monroe, its Wilder Station in Lebanon, its Bellows Falls Station in Walpole and its Vernon Station in Vernon, Vt., across the river from Hinsdale. In FY 2003, the state received a total of nearly $355,000 in water user fees from these contracts. These fees are used to fund the state's operation and maintenance costs of the project as well as contribute to a reserve account that is used to fund major reconstruction of components of the project that are now more than 60 years old and in need of replacement. Also from these water user fees, the state pays annual Payments in Lieu of Taxes to the towns of Pittsburg and Clarksville, which last year amounted to more than $117,000.

USGenNE is, by far, the largest hydropower operator on the Connecticut River in New Hampshire, and pays approximately 93% of the total water user fees that the state receives each year for the operation of Murphy Dam. The current water user contract with USGenNE was renewed on August 15, 1984, became effective on May 1, 1990, and, in accordance with the terms of the contract, will remain in effect until May 1, 2015.

Under the terms of the contract, on June 15 of each year, the level of Lake Francis is to be at its full lake elevation of 1385 feet National Geodetic Vertical Datum (NGVD) to the extent that inflow to the lake will allow. From then until March 15 of the following year, the water stored in Lake Francis is to be released from Murphy Dam "at such times and in such quantities as may be most beneficial to USGenNE" so that, on March 15, Lake Francis shall be drawn down to elevation 1330 feet NGVD, if necessary, to store the anticipated spring runoff without discharge. In addition, the contract specifies that "the day-to-day and hour-by-hour discharge of water...shall be so performed so as to bring USGenNE the water stored... in the quantities and amounts as USGenNE has prescribed will be best suited to bring to USGenNE the benefits contemplated by this contract." Thus, within the broad guidelines of having a full lake by June 15 and a minimum lake level, 55 feet lower, by March 15, the contract allows USGenNE to essentially direct how water is to be stored and released from Lake Francis. The contract also specifies that the operation of Murphy Dam cannot obstruct the flow of water released from the upstream First and Second Connecticut Lake storage projects, which are owned by USGenNE.

In 1999, USGenNE filed an application with FERC for a new license to continue to operate and maintain the Fifteen Mile Falls Project, consisting of the Moore, Comerford and McIndoes Stations and located approximately 100 miles downstream of Murphy Dam. To facilitate the relicensing process, New England Power Company (NEP), the predecessor in ownership to USGenNE of the Fifteen Mile Falls Project, initiated discussions in October 1995 with parties interested in the relicensing of this project and the management of the resources of the Connecticut River. There evolved a Collaborative Team, consisting of representatives from federal and state agencies, nongovernmental organizations, and NEP, which ultimately developed

the Fifteen Mile Falls Settlement Agreement that specifies, among other things, how the flows in the Connecticut River are to be managed. The Settlement Agreement was signed on August 6, 1997, and the signatories included NEP, the Governors of both Vermont and New Hampshire, the DES Water Resources Council, the New Hampshire Fish and Game Department, the Vermont Agency of Natural Resources, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the National Park Service, the Appalachian Mountain Club, the Connecticut River Joint Commissions, the Connecticut River Watershed Council, the New Hampshire Rivers Council, the North Country Council, the Northeastern Vermont Development Association, and the New Hampshire Council of Trout Unlimited. The Settlement Agreement not only specified the water management of the Fifteen Mile Falls Project, but also included supplements that specified how the First and Second Connecticut Lakes and Lake Francis were to be managed. Under the terms of the Settlement Agreement, the lake levels are to continue to be raised and lowered in the same fashion as they had historically, but the required minimum releases from the dams were increased to 0.5 cubic feet per second (cfs) per square mile of drainage basin, or inflow, whichever is less, during the months of June through September. At Murphy Dam, this results in a minimum release of 85 cfs or inflow, whichever is less. For the remainder of the year, the required minimum releases were increased to 1.0 cfs per square mile, or inflow, whichever is less. At Murphy Dam, this results in a minimum release of 170 cfs or inflow, whichever is less, during the months of October through May.

The terms of the Settlement Agreement pertaining to Fifteen Mile Falls later became the basis of the conditions of the new 40-year license for the operation of the project issued by FERC in April 2002, as well as the Water Quality Certification for the project issued by DES under Section 401 of the federal Clean Water Act. Included as a condition of the license and certification is a requirement of a guaranteed minimum release from the Comerford Station of 818 cfs during the months of June through September, regardless of inflow. If inflow is less than the minimum release requirement, then the guaranteed minimum flow must be provided from water released from the storage reservoirs. In 2002, when USGenNE first began operating the Fifteen Mile Falls Projects under these new conditions, New Hampshire was still feeling the effects of the drought of 2001-2002, the third-worst drought of record in the state. The month of August was particularly dry in the Upper Connecticut River watershed, with very low flows in the streams that feed the Connecticut River between Murphy Dam and Comerford Station. As a result, the water needed to meet the guaranteed minimum flow from Comerford largely had to come from the water stored in Lake Francis and the First and Second Connecticut Lakes, causing the levels of those lakes to fall five to six feet below normal during the latter part of the summer and seriously impacting camp owners and other recreational users of those lakes.

As undesirable as these low lake levels were, DES feels that the existing contracts, agreements, and federal license conditions described above constrain the ability to alter the existing practices for managing flows in the Connecticut River and lake levels in Lake Francis and the First and Second Connecticut Lakes. However, if this bill is enacted and a study

committee is established, we will look forward to working with the committee to examine these agreements and operational requirements in detail, and determine the extent of the flexibility within the agreements to improve the balance of the competing needs in the upper Connecticut River watershed.

Thank you again for this opportunity to comment. Please do not hesitate to call either me at 271-3503 or Jim Gallagher at 271-1961 if you have any questions or need additional information.

Very truly yours,

Robert Monaco
Acting Commissioner

cc: Representative Leighton C. Pratt
Representative Frederick W. King
Representative G Michael Gilman

March 3, 2003

Hon. Charles Royce, Chair
Resources, Recreation and Development Committee
NH General Court
Legislative Office Building
Concord, NH 03301

RE: House Bill 768

Dear Chairman Royce,

As Chair of the NH Council of Trout Unlimited, I write to support the intent of HB 768, and urge that it be amended to expand the study of the area to include the impact of water levels on the fishery in the Connecticut River.

Many hundreds of anglers consider the section of the Connecticut River between First Lake and Lake Francis to be the finest trout and salmon fishery in New Hampshire. This section is commonly called the "Trophy Section" and is the destination not only for New Hampshire anglers but a great many out of state anglers as well. These visitors are important contributors to the local economy, especially local lodges, guide services, angling shops and other stores.

While in general, this section of the river is managed in a manner that provides for quality angling much of the time, there are periods when minimum and maximum flows controlled by the First Lake Dam have a severe affect on both the fishery and the ability to fish in the river. Local fishing guides have considerable experience with this problem, and should be encouraged to bring their ideas and suggestions to the committee. If the bill is amended to include the words ***"and the Connecticut River itself within the Connecticut Lakes area."*** after the words "Connecticut Lakes" in line 2 and line 10, the committee will be authorized to look into this issue.

Trout Unlimited is a national organization with 5 chapters and more than 1200 members in New Hampshire. It is dedicated to conserving and improving our cold-water fisheries and frequently does it's work in collaboration with the NH Fish and Game Department and other conservation groups. It supported the Connecticut Lakes Headwaters Conservation Project and is eager to help in any way that can protect and enhance the quality of the fishery in the Connecticut Lakes and Connecticut River.

Sincerely,

Paul A. Doscher
Chair, NH Trout Unlimited Council

Cc: Basil Woods Jr. Chapter
Merrimack Valley Chapter
Ammonoosuc Chapter
Great Bay Chapter
Pemigewasset Chapter

Celebrating 100 YEARS

SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS

54 Portsmouth Street
Concord, NH
03301-5400
Phone: 603/224-9945
Fax: 603/228-0423
info@spnhf.org
www.spnhf.org

March 3, 2003

Hon. Charles Royce, Chair
Resources, Recreation and Development Committee
NH General Court
Legislative Office Building
Concord, NH 03301

RE: House Bill 768: AN ACT establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes

Dear Chairman Royce,

As you may know, the Society for the Protection of New Hampshire Forests anticipates becoming the co-holder (with the NH Chapter of the Nature Conservancy) of a conservation easement on approximately 2,500 acres of land surrounding the First and Second Connecticut Lakes and along the Connecticut River in Pittsburg, NH. This land is presently owned by US Generating Company (formerly New England Power Company) and the conservation easement is to be granted pursuant to a settlement agreement related to the FERC licensing of the Fifteen Mile Falls hydroelectric projects on the Connecticut River. As the designated future holder of this easement, SPNHF is very interested in the water flows in the Connecticut River and their effects on the riparian areas of both lakes and the river.

As the Senior Director for Land Conservation here at SPNHF I am the principal negotiator for the Society on major land conservation projects such as this. I have been involved in the various field research to examine the ecological, recreational, scenic and other attributes of the US Gen lands in Pittsburg, and will be involved in the negotiation of the terms of the conservation easements.

The Forest Society supports the intent of HB 768, but believes it needs some additional wording in order to produce a study that will address all the issues involved. In the bill as written the committee is charged with studying the flow in the Connecticut River and it's impact on water levels

in Lake Francis and the Connecticut Lakes. We would like you to add after the words *"and the Connecticut River itself within the Connecticut Lakes area."* after the words "Connecticut Lakes" in line 2 and line 10.

I would also suggest replacing the sentence that begins on line 11 with the following: (my revisions in italics)

"The committee shall ***develop recommendations for the optimum flows in the river*** and minimum water level to be maintained at the Murphy Dam on Lake Francis, ***and at the First and Second Connecticut Lakes*** to balance the competing needs of conservation, recreation, agriculture, ***flood control*** and power production"

Making these changed charges the committee with considering the impacts of changes in water flow not only upon the lakes but also on the ecology, recreational uses and fishery in the River. It will also recognize that one of the purposes of the dams is their role in flood control for the communities downstream and this needs to be kept in mind during any deliberations.

Also, it seems logical that if water levels in Lake Francis are to be studied and recommendations for minimum levels provided, that the committee should also consider doing the same for First and Second Lake at the same time.

If you have any questions, please give me a call. My work number is 603-224-9945 and my email address is pdoscher@spnhf.org.

Sincerely,

Paul A. Doscher
Senior Director for Land Conservation

Cc: Charles Niebling, SPNHF Sr. Director for Policy

PG&E National Energy Group

4 Park Street
Concord, NH 03301-6313

603.225.5528
Fax: 603.225.3260

March 3, 2003

The Honorable Charles Royce, Chairman
Resources, Recreation and Development Committee
NH House
Legislative Office Building, Room 305
Concord, NH 03301

Subject: HB 768; An Act establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Dear Chairman Royce:

Thank you for the opportunity to comment on this bill.

USGen New England, Inc. (USGenNE) is the licensee of 6 hydroelectric projects on the Connecticut River. From upstream to downstream they are Moore Station, Comerford Station, McIndoes Station, Wilder Station, Bellows Falls Station and Vernon Station. USGenNE also owns and operates water storage dams and facilities in the Connecticut Lakes in Pittsburg at First and Second Lakes.

Water levels in Lake Francis and the other Connecticut Lakes were the subject of discussion between camp owners, the State of New Hampshire (as the owner and operator of Lake Francis) and us in 2002. Those discussions were provoked by a combination of very dry conditions and new water management considerations on the Connecticut River downstream that, for the first time in 2002, implemented 24 hour per day minimum flows "guaranteed from storage". Lake Francis and the other Connecticut Lakes, (although they provide recreation, fishery habitat, scenery, flood management, open space and other attributes,) are fundamentally "storage" reservoirs. Through a Water User Agreement with the State of New Hampshire they store and supply hydroelectric generation water to the 6 stations downstream and additional facilities not owned by USGenNE. In times of drought, they function to supplement water flows generally in the Connecticut River. In times of high flows from snowmelt, runoff or heavy and sustained precipitation, they provide flood storage opportunities to protect downstream communities.

Through a combination of both dry conditions and new permit requirements imposed by the State of New Hampshire and the Federal Energy Regulatory Commission (FERC), Lake Francis and the other Connecticut Lakes provided a particularly important function in 2002. As water was withdrawn from the Lakes to satisfy downstream requirements,

PG&E National Energy Group and any other company referenced herein which uses the PG&E name or logo are not the same company as Pacific Gas and Electric Company, the California utility. These companies are not regulated by the California Public Utilities Commission, and customers do not have to buy products from these companies in order to continue to receive quality regulated services from the utility.

elevations obviously fell. Stabilizing Lake Francis or any storage reservoir for that matter, would effectively constrain the flow of water for agreed upon downstream requirements.

USGenNE works closely with the State of New Hampshire, both through its Water User Agreement and its Section 401 Water Quality Certification to "balance" the water requirements on the Connecticut River. In addition to the above Agreement and Certification, the Connecticut Lakes Supplementary Agreement, the Fifteen Mile Falls Settlement Agreement and the federal operating license (LP 2077) for the Fifteen Mile Falls Project in Dalton, Littleton and Monroe all contain conditions and provisions that impact the management of Lake Francis and the other Connecticut Lakes.

USGenNE expects to continue to work closely with the State and other stakeholders on these issues in the years ahead.

With respect to HB768, USGenNE does not oppose further study but points out that both in the very recent and more distant past, the Connecticut River and its various storage reservoirs have already been the subject of extensive study and discussion between all of the stakeholder parties. Those studies and discussions have led to the series of agreements, permits and licenses cited above.

Thank you for the opportunity to comment.

Sincerely,

Cleve Kapala
Director of Governmental Affairs and Relicensing

Cc: Representative Leighton C. Pratt
Representative Frederick W. King
Representative G. Michael Gilman
Sharon Francis, Executive Director, CRJC
Robert Monaco, Acting Commissioner, NH DES
Jim Gallagher, NH DES

HB 764 Resources Rec Pow. 11:34am

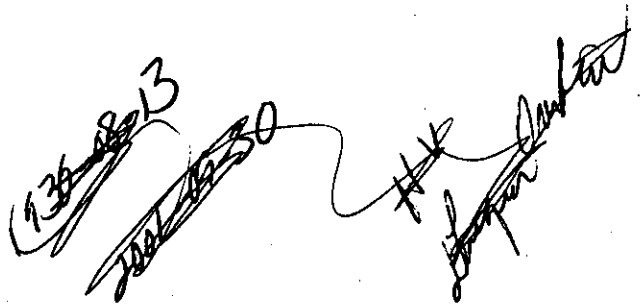
Sally Pratt

From: David Haas <d_haas@ncia.net>
To: <prattre@together.net>
Sent: Wednesday, February 26, 2003 6:45 PM
Subject: River Flow Data

Leighton,
The data for Lancaster is as follows:



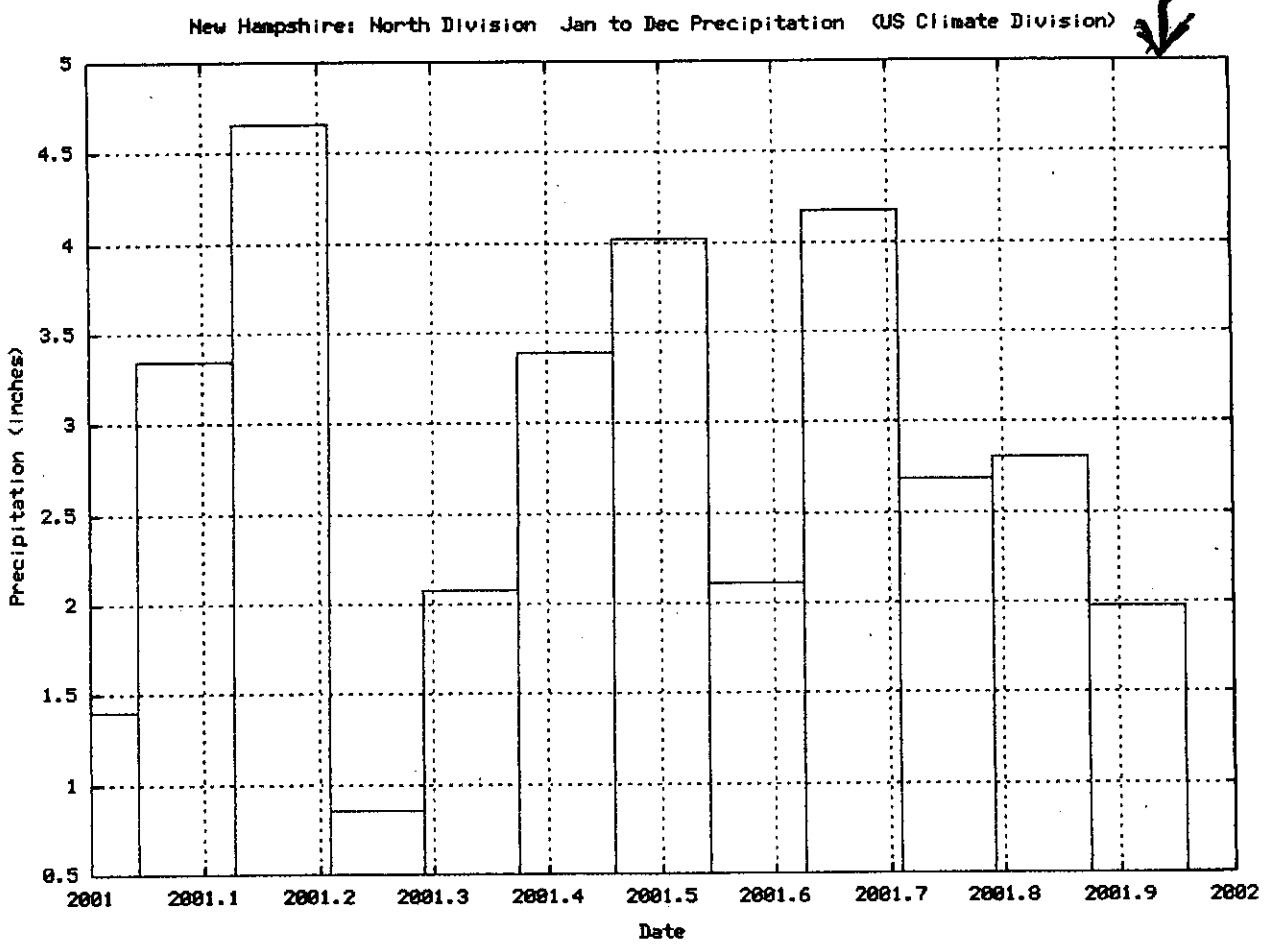
Annual Average precipitation per calendar year 1968-2002 37.37 inches
Annual Precipitation 2002 42.00 inches
Annual Precipitation 2001 28.85 inches
For the river flow for individual stations on the Connecticut River go to:
http://www.erh.noaa.gov/nerfc/gis_maps/maps/uct.htm
and click on any of the colored circles which denote individual stations.
When the page for that station come up at the top of the page is a menu for:
"Available Data For This Site"
Open that menu and click on
"Surface Water Annual Streambed Statistics"
The historical flow by year is listed for that individual station. Unfortunately the data is only through the year 2000 and gives no data for the year 2001 when the camps in on Connecticut Lakes had their problem. Perhaps if you contacted the email address at the bottom of the page they could give you the 2001 data.
If I can be of further assistance let me know.
AAvailavailable data for this site
Dave Haas



NOAA-CIRES Climate Diagnostics Center

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NOAA-CIRES Climate Diagnostics Center

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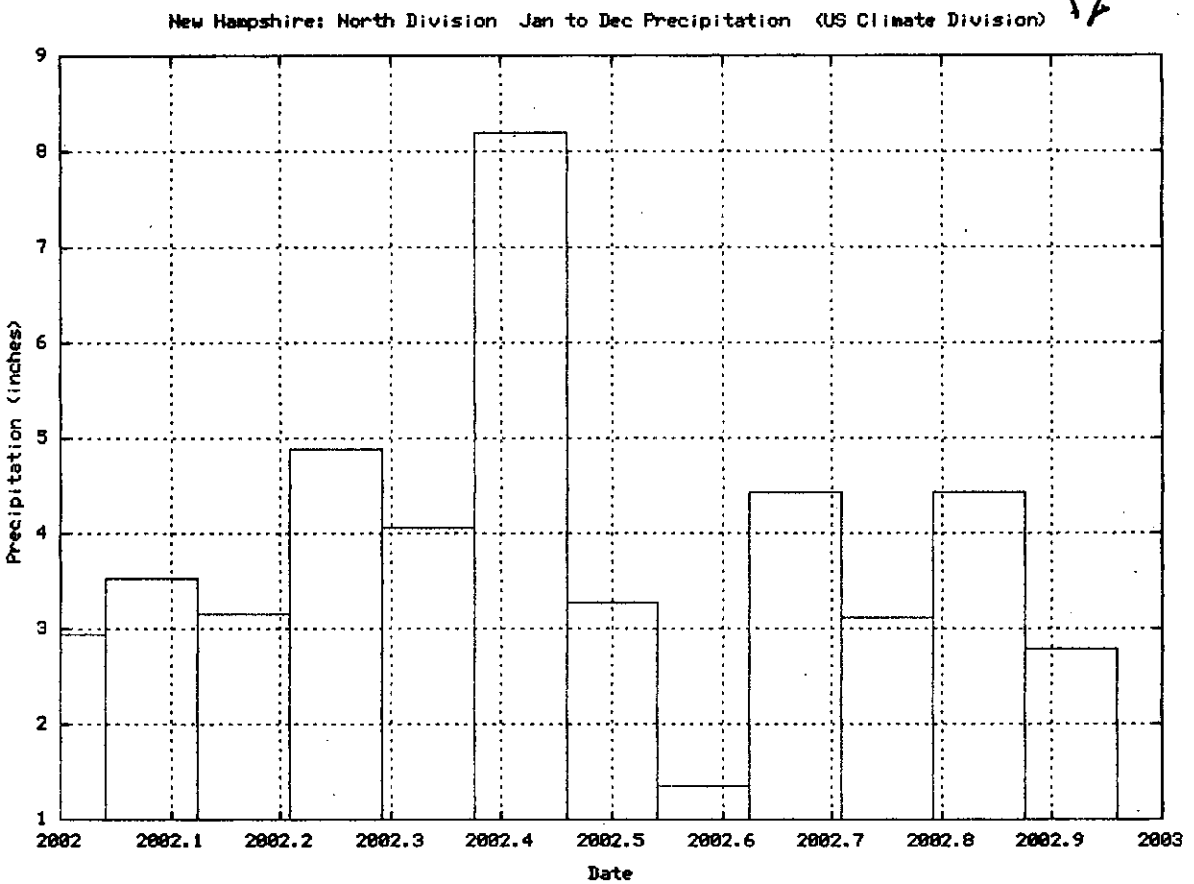
http://www.cdc.noaa.gov/cgi-bin/Timeseries/timeseries.pl?ntype=2&typediv=2&state=+27&averaged=11&division=1&year1=2001&year2=2001&anom=0&iseas=0&mon1=0&m

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CONNECTICUT RIVER JOINT COMMISSIONS INC

February 25, 2003

The Honorable Charles Royce, Chair
Resources, Recreation, and Development Committee
New Hampshire House of Representatives
Room 305 Legislative Office Building
Concord, NH 03301

RE:HB 768, establishing a committee to study the flow in the Connecticut River and water levels in the Connecticut Lakes

Dear Rep. Royce,

The Connecticut River Joint Commissions wish to express our interest in the legislation currently before the Senate Environment Committee which would establish a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Our Headwaters Subcommittee brought the issue of lake level management to our attention at its heavily attended public meeting in September, 2002. It is clear to us that the management of water levels in the Connecticut Lakes chain has broad implications not only for fisheries and other aquatic life but also for the local economy. The Lakes also serve as storage for water which is put to work downstream at the Fifteen Mile Falls hydro development, where the terms of a newly issued license by the Federal Energy Regulatory Commission include changes in required minimum flow from that facility. The needs and demands which must be balanced here range from federal and state regulation of a distant part of the river system to immediate local biological, economic, recreational, and social demands. All depend ultimately upon the amount of precipitation which arrives in the basin.

The Connecticut River Joint Commissions respectfully suggest that evaluation of this situation must include consultation with those most directly affected, including those responsible for managing the river within the terms of FERC licenses for hydro facilities, those who live and work around the affected water bodies, and knowledgeable fluvial hydrologists and aquatic biologists.

We offer to assist the proposed study committee by providing a forum for these consultations, as the local advisory committee for the Connecticut River, (NH RSA 483:8), and to fulfill our legislative mandate to preserve and protect the resources of the Connecticut River Valley while guiding growth and development (RSA 227-E).

Please feel free to contact us regarding these comments.

Very truly yours,

Mary Sloat, *Chair,*
NH Connecticut River Valley
Resource Commission

Nathaniel Tripp, *Chair,*
VT Connecticut River Watershed
Advisory Commission

cc:
Steve Couture, Rivers Coordinator, NH Dept. of Environmental Services
Senator John Gallus
Rep. Fred King
Rep. Leighton Pratt
Rep. Michael Gilman
Cleve Kapala, USGen New England
Select Board, Town of Pittsburg
Ed Mellett, Chair, Headwaters Subcommittee
John Amey, Pittsburg representative to the Headwaters Subcommittee
Paul Amey, Pittsburg representative to the Headwaters Subcommittee
Robert Ward, Pittsburg representative to the Headwaters Subcommittee

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

MEMORANDUM

DATE: **October 24, 2003**

TO: **Honorable Craig Benson, Governor**
Honorable Gene G. Chandler, Speaker of the House
Honorable Thomas R. Eaton, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Honorable Steven J. Winter, Senate Clerk
Michael York, State Librarian

FROM: **Rep. Eric Stohl, Chairman**
Post Office Box 75, Colebrook NH 03576-0075
(603) 237-4206

SUBJECT: **Final Report on HB 768, establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes**

Pursuant to Chapter 233:1, Laws of 2003, enclosed please find the Final Report of the committee charged with studying the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

ES:co

cc: Study Committee Members
Joel Anderson, Committee Researcher

FINAL REPORT

HB 768 (Chapter 233:1, Laws of 2003) establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes

This report is hereby submitted in accordance with the requirements of Chapter 233:1 (Report), Laws of 2003, effective July 7, 2003. (See **Appendix "A-1"**)

The four members of the House appointed by the Speaker were:

Hon. Eric Stohl	(Chairman)
Hon. Charles Laflamme	(Clerk)
Hon. Henry Parkhurst	
Hon. Leighton Pratt	
Hon. John Alger (Alternate)	(Clerk)*

*(Rep. Alger replaced Rep Laflamme at Rep. Laflamme's request prior to the second meeting of the committee.)

Senate members appointed by the President of the Senate were:

Hon. John Gallus
Hon. Carl Johnson
Hon. Sheila Roberge

The first meeting was called by the first-named House member on August 28, 2003 at 10:00 a.m. in Legislative Office Building Room 202. This committee's duties were to study two different situations in two totally different parts of the state. Duty number one was to study the flow of the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes established from HB 768 as well as studying options for the use of certain property along the Baker River established from HB 339.

Both bills called for study committees so this was probably the reason for merging the two into one, HB 768. (See **Appendix "A-2"** and **Appendix "A-3"** for original HB 768 and HB 339, respectively.) Prime sponsors of both bills are on the committee and testified as to the reasons for the two bills. Testimony was also received by the committee from representatives of U.S. Generation, which owns five of the six dams along the Upper Connecticut River Watershed, and New Hampshire Department of Environmental Services (DES), which owns the other dam along the Upper Connecticut River Watershed, and also owns the property along the Baker River.

The committee also conducted two public hearings relative to HB 768. One was held in Lancaster on September 19, 2003 and the other was held in Wentworth on September 25, 2003. The committee received input from the public at these two hearings (See **Appendix "B-1", Appendix "B-2", and Appendix "B-3"** for Minutes of the Meetings of September 19 and 25, 2003, and October 15, 2003, respectively.).

Connecticut River Flow Information

- There was testimony as well as photographs depicting low water levels at First Connecticut Lake in the months of August/September of 2002. Information was received that showed a cumulative deficit of –2.33 inches of rainfall during the months of August/September of 2003; while an above-normal discharge of water from First Connecticut Lake from mid-August through mid-September of 2002. Testimony revealed that the reason for this high discharge with little precipitation was due to the contractual agreement U.S. Generation has with the State of New Hampshire and others to maintain a minimum flow out of McIndoes Dam. Since this event, DES has "relaxed" the strict minimum flow requirements.

- There are three major contractual agreements that regulate the flow of water from the northern waters of Second Connecticut Lake to First Connecticut to Lake Francis to Moore Reservoir to Comerford Dam to McIndoes Dam (See **Appendix "C-1".**) They are in descending order, the Connecticut Lakes Supplementary Agreement and the Lake Francis Memorandum of Agreement, both of which are supplemental to the Fifteen-Mile Falls Settlement Agreement. All three agreements were formulated in 1997 for a life of forty (40) years.

Baker River Property Information

- The property that was studied is known as "Baker River Watershed Multiple Use Project Site 7" ("Site 7"). It is situated along the Baker River in the town of Wentworth (See **Appendix "C-2".**)

- Approximately thirty (30) years ago, the U.S. Army Corps of Engineers proposed a series of twelve (12) dams to control flooding and offer recreational opportunities along the Baker River. About half of the eligible five hundred and twelve (512) watershed acres were acquired by the State with 50% federal funding

- In 1978, a decision was made not to build the dam at "Site 7". This was partially due to the high cost of extensive and expensive environmental studies as well as other dams of the original 12 were built for flood control along the Baker River.

- DES does not have any plans or money to build a dam on "Site 7". DES also does not have any plans or interest to dispose of the property.

- A large majority of the residents of Wentworth expressed their wishes to have the State maintain ownership of the property. They also wished for the present recreation that is allowed on the property to remain.

Conclusion

After having investigated and studied the issues raised in HB 768 regarding the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, the Committee has unanimously concluded that there needs to be a concerted effort by U.S. Generation and the Department of Environmental Services to closely monitor the lake levels of Lake Francis, First Connecticut Lake, and Second Connecticut Lake.

And after having investigated and studied the issues raised in HB 768 regarding the options available for ownership and management of certain state property known as the "Baker River Watershed Multiple Use Project Site 7" which is located on the south branch of the Baker River in Wentworth, the Committee unanimously recommends the following management plan:

> *The Baker River Watershed Multiple Use Project Site 7 land owned by the State should substantially continue in use as a recreation and timber management area. Recreation shall include hiking, hunting, fishing, trapping, cross-country skiing, snowshoeing, and OHRV use. The Department of Environmental Services is to be commended for their management of the site in response to public interests of recreation and timber harvesting over the past 30 years. Consideration of a dam at Site 7 should be discontinued and no longer considered an option for use of the acquired State property. If the Selectmen of Wentworth seek to obtain a portion of the state property for either a town forest or return to the tax roles, they shall make such representation to the Department of Environmental Services. The Department of Environmental Services should determine their own priorities of ownership versus Fish and Game Department or the Department of Resources and Economic Development since the property no longer will be considered for a flood control and recreation dam.*

Respectfully submitted,

Rep. Eric Stohl
Committee Chairman

ES:co

Attachments

CHAPTER 233

HB 768 - FINAL VERSION

25mar03... 0891h

05/08/03 1459s

24jun03... 2067CofC

2003 SESSION

03-0446

06/09

HOUSE BILL *768*

AN ACT establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes.

SPONSORS: Rep. L. Pratt, Coos 2; Rep. King, Coos 1; Rep. Gilman, Graf 9

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River, the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and options for the use of certain state property along the Baker River.

Explanation: Matter added to current law appears in ***bold italics.***

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25mar03... 0891h

05/08/03 1459s

24jun03... 2067CofC

03-0446

06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the flow in the Connecticut River and the effect of the flow on water levels in Lake Francis and the Connecticut Lakes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

233:1 Committee Established. There is established a committee to study the flow in the Connecticut River, the effect of the flow on water levels in Lake Francis and the Connecticut Lakes, and options for the use of certain state property along the south branch of the Baker River in Wentworth.

233:2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

233:3 Duties.

I. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production.

II. The committee shall also study the options available for ownership and management of certain state property known as the "Baker River Watershed Multiple Use Project Site 7" which is located on the south branch of the Baker River in Wentworth. The committee shall develop a recommendation for the future management of the site which takes into consideration options for private, state, or local municipal ownership of these lands.

233:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

233:5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

233:6 Effective Date. This act shall take effect upon its passage.

(Approved: July 7, 2003)

(Effective Date: July 7, 2003)

03-0446
06/09

HOUSE BILL ***768***

AN ACT establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

SPONSORS: Rep. L. Pratt, Coos 2; Rep. King, Coos 1; Rep. Gilman, Graf 9

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 768 – AS INTRODUCED

03-0446
06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall study the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, and its effect on the dams that generate power from the flow in the river. The committee shall develop a recommendation for the minimum water level to be maintained at the Murphy Dam on Lake Francis to balance the competing needs of conservation, recreation, agriculture, and power production.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

2003 SESSION

03-0207
06/09

HOUSE BILL 339

AN ACT establishing a committee to study the use of certain state-owned property along the Baker River.

SPONSORS: Rep. Alger, Graf 14

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes a committee to study the use of certain state-owned property along the Baker River.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03-0207
06/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT establishing a committee to study the use of certain state-owned property along the Baker River.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to study the need for an additional flood control and recreational use dam and lake known as the "Baker River watershed multiple-use project site-7 south branch" of the Baker River in Wentworth.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Four members of the house of representatives, appointed by the speaker of the house.

(b) Three members of the senate, appointed by the president of the senate.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. The committee shall examine the need for a flood control and recreational dam and lake, known as the "Baker River Watershed Multiple Use Project Site 7" on the South Branch of the Baker River in Wentworth and shall examine the options for management of certain state-owned property along the Baker River that has been acquired for the project.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2003.

6 Effective Date. This act shall take effect upon its passage.

PUBLIC HEARING ON HB 768 **APPENDIX "B-1"**
FOREST AND LANDS BUILDING
LANCASTER, NH
SEPTEMBER 19, 2003

- Started at 6:00 pm
- Chairman Stohl outlined the duties of the Committee.
- Douglas Feltmate – wants the draining down of First Connecticut Lake to stop.
- Eugene Sullivan, Utility Attorney representing the Connecticut Lakes Association – FERC does not regulate and that the Connecticut Lakes Agreement has been violated.
- Morgan Rockhill – concerned about the low water levels on First Connecticut Lake and Lake Francis, August 7, 2002 through September 7, 2002 had high flow from First Connecticut Lake to feed Boston with power at high profits, Submitted four(4) photos of low water levels on First Connecticut Lake in 2002 along with Fifteen Mile Falls Final Settlement Agreement and Conn. Lakes Supplemental Agreement and charts and graphs showing discharge rates from 1st.and 2nd. Conn. Lakes as well as Lake Francis. He was upset with the power company's attitude.
- Rick Burnham, Trout Unlimited – concerned about the flow of the Connecticut River.
- Gene Parker – had a question of the committee, "Could the power company flood landowners along the Connecticut River in Pittsburg because they own the land?" The committee did not have the answer.
- Douglas Feltmate – Hopes First Connecticut Lake is not dropped the way it was in 2002.
- Morgan Rockhill – There is a mitigation fund established within the FMF Final Agreement. They need to write a grant for funds to study agreement compliance.
- Rep. Fred King – Something happened last year that was unusual, there was a drought; FERC only licensed the dams at Moore, Comerford, and McIndores, not in Pittsburg: maybe the committee needs to look at the agreement the State has with the power company to see if there has been violations; Rep. King also submitted a copy of a FERC amendment to the FMF Agreement.
- Morgan Rockhill – Memorandum Agreement states that the water management of Lake Francis shall remain as historically based.
- Rick Burnham – "We own Murphy Dam, tell Moore they will get what water we give them."
- Charlie Creran – "These lakes sit in the middle of the IP lands. Bring the land and lakes back to the interest and control of the people; not the power company. Give the control back to the people."
- Douglas Feltmate – 10,000 cf/sec is needed for optional generating. One day of generating was what the missing water from First Connecticut Lake last year would represent. The committee needs to compare generation revenue to recreation revenue.
- Adjourned at 7:05 pm.

Report of Public Hearing on HB 768 Baker River Site #7 September 25, 2003
Old Town Hall in the Town of Wentworth (Final version October 15)

Members of the Study Committee present:
Senator Carl Johnson and Representatives Stohl, chairman, Pratt, & Alger, acting clerk. Jim Gallagher, Chief Engineer of the Dam Bureau, DES, and his employee Mark Stevens also attended.

Representative Eric Stohl opened the hearing at 6:04 PM, to a group of about 30 members of the public. He explained the purpose of the hearing as laid out in HB 768 and provided ground rules for public discussion. He then introduced Representative John Alger who explained the origin and reasons for the Baker River Site #7 study portion of HB 768. Thereafter Jim Gallagher offered a power-point presentation that provided the history of State involvement and ownership of the Site #7 land as well as their continuing management since purchases were consummated in the 1970's. He made the following points:

About 30 years ago the Federal Soil Conservation Service proposed a series of 12 dams along the Baker River to control flooding and offer recreation opportunities. Site #7 along South Baker River in Wentworth, was one of these proposed dams.

The Site #7 dam would create a 90 acre pond, impound 3800 acre-feet of water, and reduce flooding on the lower Baker River by 2 ½ feet. It would be a multi-purpose site with recreation and wildlife opportunities as well as flood control. It was projected to cost $3.8 million in 1978, which today would be $8.75 million. The dam was to be built by the Federal people and operated by the State of New Hampshire. Eleven parcels of land were acquired, about half the authorized area of about 512 acres.

In the mid 70's the National Environmental Policy Act was passed requiring extensive environmental review for such projects as that proposed at Site #7. As a result the project was put on hold and then deactivated on April 24, 1979 by the Federal Soil Conservation Service (now the NRCS). The incremental cost-benefit ratio was less than one.

An effort was made to dispose of the property but was not accomplished. Thereafter the State through the Dam Bureau of DES has owned and managed the property. For a period some of the land was leased to a farmer and a continuing relationship was established with the Baker River Valley Snowmobile Club (BRVSC) allowing by lease a clubhouse and trail corridor on the State lands. Also a habitat study was awarded to the Nature Conservancy which was completed and documents the range of habitats on the land. NH Fish and Game stocks the area with fish and pheasants with cooperation from members of the snowmobile club. The Dam Bureau employees maintain the property.

Then Chairman Stohl opened the hearing to questions first from the members of the Committee.

Chairman Stohl asked Jim Gallagher to explain the procedure for disposing of state property such as Site #7. Jim Gallager explained the "CORD" process. First state agency owner that seeks to dispose of the property makes a proposal to all the other state agencies so that each has an opportunity to acquire the property. If no agency wishes to own the property the offering are opened to the counties, then to the towns and cities, and finally to private owners. The legislative committee on capital assets and the Governor and Counsel must approve any sale.

Chairman Stohl then asked whether DES had any plans to build a dam to which Jim Gallagher answered no.

Chairman Stohl then opened the hearing to public input starting with people who already had signed on to speak.

David Burbank from Manchester spoke as a member of the Manchester snowmobile club in support of the BRVSC and spoke against sale of the property and suggested management by DRED.

Evelyn Ferrell, of Wentworth, president of BRVSC, spoke in favor of the current uses of the property and noted the Club has about 650 members and brings in alot of local business.

Rowel Ray of Wentworth spoke in favor of keeping ownership as it is that the snowmobilers bring a lot of business to the local community.

Dick Flanders, Chairman of the Baker River Watershed Association (BRVA), explained the purpose of BRWA, spoke generally about the importance of preserving such lands as in site #7, and recommended continued State ownership of the property.

John Downing of Wentworth said he did not want to sell his land to the State and that a map he had showed some of his land in state ownership already. Jim Gallagher cleared that up by saying that map showed the potential areas which the project could purchase but that the Downing land was not owned by the state and that no further purchases were contemplated and would require legislative approval if sought in the future.

Ed Baker, Selectman of Wentworth, said that the lowlands should stay in state ownership but that of the 13 parcels, about 300 acres, some should be returned to the town tax rolls.

Cal Perkins, Chairman of the Grafton County Conservation District and Rumney resident, said that we need more public lands and that this parcel should stay in state ownership.

John Thompson of Wentworth said some way should be found to return the land to the taxpayers.

Francis Muzzey, Selectman of Wentworth, said that all the land outside the flood plain should be returned to private ownership.

Deborah Gelsi of Wentworth said the land should remain in state ownership that she moved here for the environment and the snowmobile club.

Jeffrey Balch of Hanover said he supports the snowmobile club and the importance of the snowmobile corridors for trails.

Ray Hutchins of Wentworth said his father's property was taken for a mere pittance but he favors leaving the land as it is in state ownership.

Ernie Vlk of Wentwortth said the land should remain in state ownership.

Zoe Ehresmann of Wentworth favors protected habitat under state ownership so wanted the land to remain in ownership of the state.

Palmer Koelb, selectman of Wentworth said he opposes development but wants the land returned to the town as a town forest but allowing current recreation to continue.

Tammy Coursey of Wentworth said "we" do have a deeded right of way from North Dorchester Road from Don Jacques along an old logging road and would like either to obtain a permanent right of way or to purchase the roadway from the state. Under a question by Representative Alger she said that the state told her they could not offer a permanent right of way because of the future potential of a dam there.
Donald Ehresmann of Wentworth praised DES for the study of the habitat and asked that the land stay in state ownership with duty of the state to manage it carefully

Todd Baldwin of Thornton, NH, supports keeping the land in state ownership as it now is.

Hannah Totale of Wentworth supports the land in state ownership as it now is.

Janice Thompson of Wentworth worried that the state let a sewage lagoon onto the land so thought it would be safer in the hands of the town.

Guy Taylor, trail administrator for the BRVSB said the septic pool was considered for the snowmobile club but disallowed so only a pumpable tank was put in place. He further said the corridor trails are critical for the full trail from Massachusetts to Canada and that local business at Shawnees and Millers store are much enhanced by the snowmobilers.

Francis Muzzey, Selectman of Wentworth, said he was not opposed to the snowmobile corridor trails but he opposes the state holding Wentworth land hostage and that we already have a lot of land in the WMNF in Wentworth. He again stated his wish that the uplands be returned to the town.

Dick Flanders asked why is this a problem? Representative Stohl responded that the right of way issue opened the concerns, as does the possibility of a dam. Flanders then spoke as

Chairman of the Baker River Watershed Association and handed a copy of their just issued report to the committee without taking a position on the issues of this study.

Ed Baker, Selectman of Wentworth spoke about the environmental issues of 2,000 snowmobiles and asked the town be allowed to benefit from the land. Representative Alger commented the dam was still in the future as a possibility.

Virginia Gove of Wentworth asked if the town got the land back would the town have to pay the money back? Representative Stohl responded that $185,000 was paid, thought repayment was rather remote possibility, but did not know for sure as this was one of the items to determine.

Evelyn Ferrel, president of the BRVSC, said 19 families in the club live in Wentworth, that local businesses benefit from snowmobilers that the land should remain in state ownership.

Zoe Ehresmann spoke again about continuing state ownership but examine the land for environmental factors to avoid snowmobile damage. She also worried about state authorizing OHRV (ATV?) trails with their noise and pollution.

Ed Baker spoke again saying he believes the snowmobile trails are not authorized for ATV

Amy Rieter said that the state does a better job of road maintenance than the town.

Francis Muzzey said the state does a poor job of maintaining North Dorchester Road

Rowell Ray retorted that the snowmobile club also does highway cleanup.

Guy Taylor spoke again that ATVs are not allowed on the trails, even though they may be using them.

Representative Stohl adjourned the public hearing at 7:55 PM.

(Laptop-Word)

Minutes for Regular Meeting of the Study Committee under HB 768
October 15, 2003 – LOB 207
(October 19, 2003 revision)

APPENDIX "B-3"

Committee members present: Senator John Gallus; Representatives Eric Stohl, Chairman, John Alger, Leighton Pratt, & Henry Parkhurst

Visitors present: Jim Gallagher, Chief Engineer of the Dam Bureau, DES; Joel Anderson, House Researcher; Torene Twngo-Lowy, representing Parks and Recreation department.

The Chairman called the meeting to order at 10:04 AM. He summarized the charge to the Committee in HB 768 and the work of the committee completed to date. This included a regular meeting on August 25, a public hearing at Lancaster on September 19, and a public hearing at Wentworth on September 25, He then proposed the committee proceed in order to discuss the two issues of the bill and arrive at recommendations today if possible.

1) Recommendation for the minimum water level to be maintained at Lake Francis

The Chairman called for recommendations from the committee members. Representative Pratt recommended that the water level be maintained at historic levels as described in the two agreements already signed by the Governors. The Chairman, while concurring, also reported on his findings of an eight foot lowering of the water level in August 2002 in the Connecticut lakes. He showed photographs of the lowered water level in the Connecticut lakes and a chart showing the heavy draw down of water, apparently taken to provide water for power further down stream in violation of the agreements. He also provided a chart showing that there was not a massive rainfall at that time as alleged to have occurred which would have required the heavy outflow of water. Also he pointed out that DES had not been informed of such outflow being considered by U.S. Gen. and they did not report the heavy outflow at Murphy Dam which would have given them notice from which to direct U.S. Gen. not to proceed in that fashion. Representative Pratt further added to the discussion by noting the history for many years has been to violate agreements to hold the lake water levels between March 15 and October 1 and he said such violations have got to stop. After further discussion of an appropriate recommendation the following recommendation was adopted unanimously by the Committee of five members present with Representative Pratt making the motion and Representative Parkhurst providing a second:

"There needs to be a concerted effort by U.S. Gen and DES to closely monitor the lake levels of Lake Francis and the first and the second Connecticut Lakes. These levels must be managed consistent with historic operations as represented in attachments 1, 2, and 3."

The Chairman had previously shown the Committee and described the three attachments mentioned above which show the water levels in the three lakes. Previous to adopting this recommendation the Chairman asked Jim Gallagher if he would agree with it to which he said he would.

Upon a question of Representative Alger as to any penalty for not adhering to this recommendation, the Chairman read a further sentence he had prepared that said such action would be undertaken through the Attorney General. Jim Gallagher agreed with that view, as did the Committee, and so the sentence was viewed as unnecessary to the recommendation as being obvious to the situation.

2) Baker River Site #7

At the request of the Chairman, Representative Alger discussed a set of minutes he prepared as a result of the public hearing held at Wentworth. These had previously been given to the Committee members. The Chairman had, previous to this meeting, given his comments to Representative Alger which were

already incorporated in the minutes distributed today. The minutes were considered satisfactory except that Jim Gallagher recommended that "Soil Conservation Service" in paragraph 3 replace "Corp of Engineers". The recommendation was adopted and the minutes will be so revised.

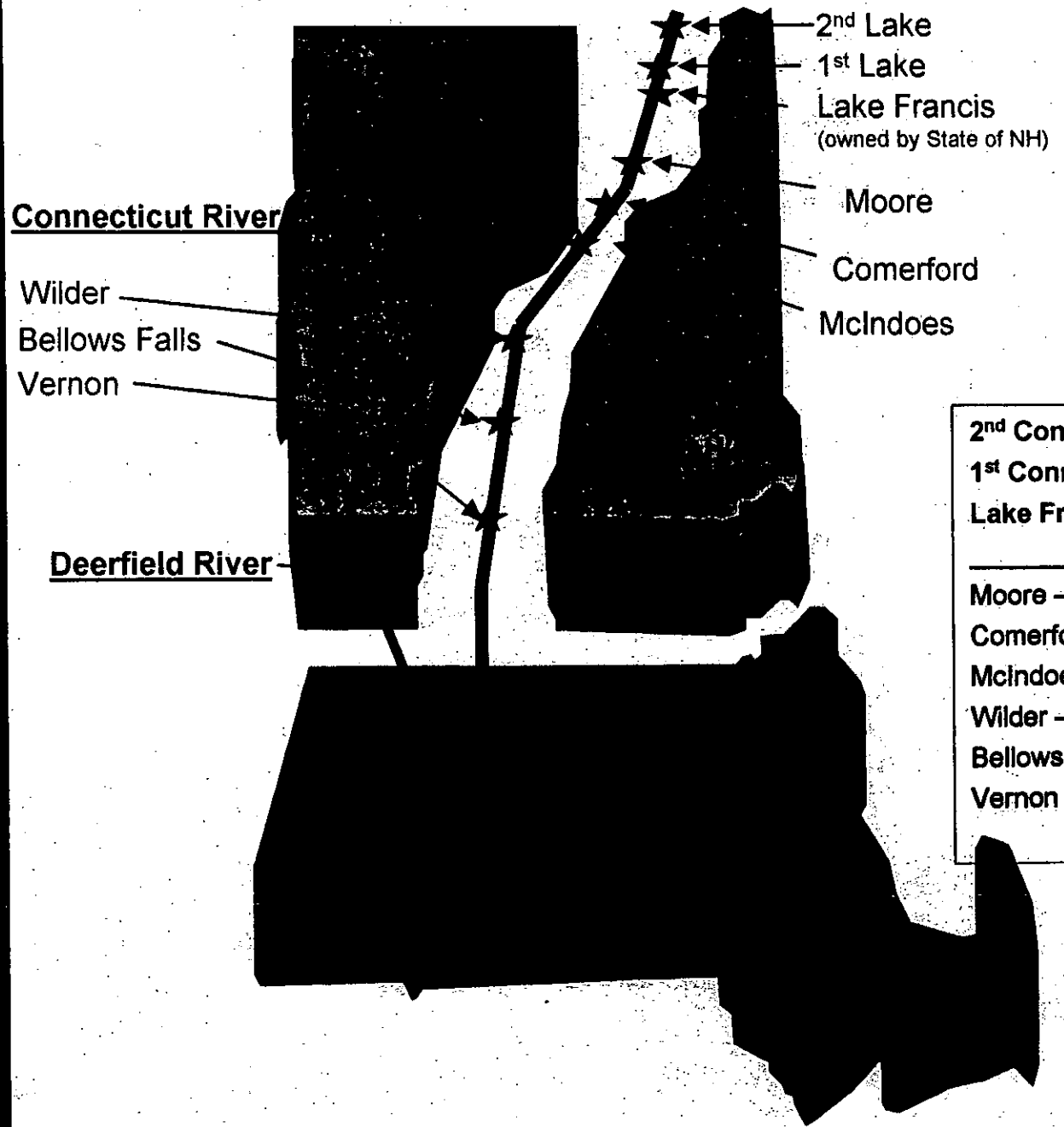
Again, at the request of the Chairman, Representative Alger discussed a set of draft conclusions and recommendations he prepared for the meeting with copies provided for all members of the Committee and the visitors. After discussion the conclusions were adopted as written. Thereafter considerable discussion of the recommendations was held resulting in a motion made by Representative Alger, seconded by Senator Gallus, and unanimously adopted by the five members of the Committee present, and concurred with by Jim Gallagher as follows:

"The Baker River Site #7 land area owned by the State should substantially continue in use as a recreation and timber management area. DES is to be commended for their management of the site in response to public interests of recreation and timber harvesting over the past thirty years. Consideration of a dam at Site #7 should be discontinued and no longer considered an option for use of the acquired State property. If the Selectmen of Wentworth seek to obtain a portion of the State property for either a town forest or return to the tax rolls, they should make such representation to DES. DES should determine their own priorities of ownership versus Fish and game or DRED since the property will no longer be considered for a flood control and recreation dam. (The Chairman was authorized to add a statement from the IP land project describing the recreation and timber management considered appropriate to this recommendation)."

The recommendation above was made contingent on research by Joel Anderson to assure that state law does not exist stating that the land could only be used for the purpose of a dam. If such law were found, the committee will draft legislation to repeal that law. Further discussion indicated that the Committee did not feel it necessary to require either of the recommendations be placed into legislation. The viewpoint adopted was that the report would accomplish the requirements of HB 768. The Chairman said he would prepare a draft final report and circulate copies by e-mail next week to all Committee members for their final approval before the deadline of November 1.

The meeting was adjourned at 11: 35 AM. The Chairman will call another meeting if required.

CONNECTICUT RIVER HYDRO



2nd Conn Lake – Storage Reservoir only
1st Conn Lake – Storage Reservoir only
Lake Francis – Storage Reservoir only

Moore – 191 MW
Comerford – 162 MW
McIndoes – 13 MW
Wilder – 41 MW
Bellows Falls – 49 MW
Vernon – 24 MW

APPENDIX "C-1"

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 768

BILL TITLE: **establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.**

DATE: March 19, 2003

LOB ROOM: 305

Amendments:

Sponsor: Rep. Royce	OLS Document #:	2003	0891h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Christensen

Seconded by Rep. Fields

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Christensen

Seconded by Rep. Fields

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 13-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Russell, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 768

BILL TITLE: **establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.**

DATE: 3/19/03

LOB ROOM: 305

Amendments:

Sponsor: Rep. Royce — OLS Document #: 2003-0891h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Christensen

Seconded by Rep. Fields

Vote: 13-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Christensen

Seconded by Rep. Fields

Vote: 13-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: CONSENT

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. David H. Russell, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 768 Title: LAKE LEVELS

PH Date: / / Exec Session Date: 3/18/03

Motion: OTP/A Amendment #: 2003-0816

MEMBER	YEAS	NAYS
Royce. H Charles. Chairman	X	
Lawton. David M. V Chairman	X	
Coonev. Richard T	X	
Fields. Dennis H	X	
Russell. David H		
Bruno. Pierre W		
Christensen. D L Chris	X	
Akins. Ralph L	X	
Camm. Kevin L		
Ruffner. Walter D	X	
Cail. Kenneth B		
Campbell. W Packv		
Laflamme. Charles F		
Merrow. Harrv C	X	
Wilev. Robert W		
Spang. Judith T	X	
Donovan. Thomas E	X	
McEachern. Paul		
Blevler. Ruth Z	X	
Brueggemann. Donald A	X	
Parkhurst. Henrv A L	X	

TOTAL VOTE: 13-0
Printed: 1/6/2003

OFFICE OF THE HOUSE CLERK

2003 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 768 **Title:** _____

PH Date: ____/____/____ Exec Session Date: ____/____/____

Motion: AMENDMENT Amendment #: 2003-0891 h

MEMBER	YEAS	NAYS
Royce. H Charles. Chairman	X	
Lawton. David M. V Chairman	X	
Cooney. Richard T	X	
Fields. Dennis H	X	
Russell. David H		
Bruno. Pierre W		
Christensen. D L Chris	X	
Akins. Ralph L		
Camm. Kevin L	X	
Ruffner. Walter D	X	
Cail. Kenneth B		
Campbell. W Packy		
Laflamme. Charles F		
Merrow. Harry C	X	
Wiley. Robert W		
Spang. Judith T	X	
Donovan. Thomas E	X	
McEachern. Paul		
Blevler. Ruth Z	X	
Brueggemann. Donald A	X	
Parkhurst. Henry A L	X	

TOTAL VOTE: 13-0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Resources, Recreation and Development**

BILL NUMBER: **HB 768**

TITLE: establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes.

DATE: March 20, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

Lake levels in Lake Francis and the First and Second Connecticut Lakes are controlled by a group of contracts between various New Hampshire, Vermont, United States and non-government organizations. These were negotiated with consideration for the needs of a downstream hydroelectric plant. The purpose of the bill is to establish a study committee to review these contracts with an eye to improving undesirably low lake levels at certain times of the year. Because the large number of water related study bills this year would severely test abilities to conduct several study committees, sponsors agreed to incorporating issues from related bills. The amendment incorporates issues raised by HB 339, relative to the Baker River and adjacent state owned land.

Vote 13-0.

Rep. D. L. Chris Christensen
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Resources, Recreation and Development

HB 768, establishing a committee to study the flow in the Connecticut River and the impact of the flow on water levels in Lake Francis and the Connecticut Lakes. **OUGHT TO PASS WITH AMENDMENT**

Rep. D. L. Chris Christensen for Resources, Recreation and Development: Lake levels in Lake Francis and the First and Second Connecticut Lakes are controlled by a group of contracts between various New Hampshire, Vermont, United States and non-government organizations. These were negotiated with consideration for the needs of a downstream hydroelectric plant. The purpose of the bill is to establish a study committee to review these contracts with an eye to improving undesirably low lake levels at certain times of the year. Because the large number of water related study bills this year would severely test abilities to conduct several study committees, sponsors agreed to incorporating issues from related bills. The amendment incorporates issues raised by HB 339, relative to the Baker River and adjacent state owned land. **Vote 13-0.**

HB 768 Blurb **March 20, 2003**

OTP/A

Lake levels in Lake Francis and the First and Second Connecticut Lakes are controlled by a group of contracts between various New Hampshire, Vermont, United States and non-government organizations. These were negotiated with consideration for the needs of a downstream hydroelectric plant. The purpose of the bill is to establish a study committee to review these contracts with an eye to improving undesirably low lake levels at certain times of the year. Because the large number of water related study bills this year would severely test abilities to conduct several study committees, sponsors agreed to incorporating issues from related bills. The amendment incorporates issues raised by HB 339, relative to the Baker River and adjacent state owned land. (13-0)

OK C Rogers

Chris Christensen

Rep. Chris Christensen