Bill as Introduced

HB 768 – AS AMENDED BY THE HOUSE

25mar03... 0891h

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, and to study the use of certain state-owned property along the Baker River.

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 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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

25mar03... 0891h

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, and 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 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.

Amendments

Wildlife and Recreation
April 30, 2003
2003-1459s
06/01

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.

Amend the bill by replacing section 1 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.

Amend the bill by replacing section 3 with the following:

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.

2003-1459s

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.

Committee Minutes

Wildlife & Recreation Committee

Hearing Report

To:	Members of the Senate
From:	Liz Ignacio *Legislative Aide*
Re:	**HB 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, and to study the use of certain state-owned property along the Baker River.*
Hearing date:	April 29, 2003
Members present:	Sen. Gallus, Sen. Roberge, Sen. Sapareto
Members absent:	Sen. Cohen, Sen. Gatsas

Sponsor(s): Rep. L. Pratt, Coos 2; Rep. King, Coos 1; Rep. Gilman, Graf 9

What the bill does: 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.

Who supports the bill: Rep. Alger, Rep. Pratt, Jim Gallagher: Department of Environmental Services, Rep. King

Who opposes the bill: Bill Carney: NH Wildlife Federation, Sandra Falicon: NH Fish & Game Department, Marjorie Swope: NH Association of Conservation Communities, Bill Bartlett: Acting Director of Fish & Game

Summary of testimony received in support:

- HB 768 was first introduced to study water management concerns in the Connecticut River.
- Representative Royce: Chairman of the RRD Committee requested the Baker River study be added on to the Connecticut River study in order to eliminate the need for two separate study committees on similar subjects.
- The Baker River section of the bill would study the land management of a parcel of state-owned property in the Baker River or Merrimack River watershed.
- If the bill passed as amended by the House, the Department of Environmental Services looks forward to working with the committee to examine options to DES's management of the Baker River property. They are also very interested in examining the Connecticut River agreements and operational requirements in detail to determine the extent of the flexibility within the agreements to improve the balance of the competing needs in the upper Connecticut River watershed.
- The committee is specifically charged with studying the flow in the Connecticut River, its effect on Lake Francis and the Connecticut Lakes, its effect on the dams that generate power from the flow in the river, and the need for flood control along the Baker River.

Summary of testimony received in opposition:

- HB 768 as amended deals with two largely unrelated issues.

- The Fish & Game Department and NH Wildlife Federation are only opposed to the Baker River section of the bill.
- The NH Fish & Game Commission has had a long standing resolution of free flowing streams and therefore opposed to the portion of HB 768 which considers any dam on the Baker River.
- The resolution reads: "The state's free slowing and unimpounded streams provide habitat for several significant fish species. However, there are currently over 250 existing dams in the state which impound or restrict free flowing streams and rivers, thus reducing habitats for certain fish species. Therefore the Fish & Game Commission directs the Department to oppose any new dam construction, reconstruction of breached dams and/or significant diversions of water which eliminate, reduce or degrade free flowing stream and river habitats which provide habitats for significant species of fish."
- Marjorie Swope agrees that we don't need to study the Baker River.
- The NH Wildlife Federation feels that the Baker River has one of the finest stretches of free flowing river water in the state and it should remain that way.

Funding: No fiscal impact.

Action: The committee exec'd on the bill OTP as Amended. Senator Roberge will take it to the floor. The Wildlife Committee Amendment removed all sections of HB 768 that dealt with the Baker River study.

ei
[file: HB 768 report]
Date: 5/2/03

SB

Date: April 29, 2003
Time: 3:55 p.m.
Room: 104 LOB

The Senate Committee on Wildlife and Recreation held a hearing on the following:

HB768	(New Title) 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.

Members of Committee present:	Senator Gallus Senator Roberge Senator Sapareto

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The Chair, Senator John Gallus, opened the hearing.

Senator John Gallus, D. 1: We will now open the Senate session on HB768 and the Chair recognizes the Bill's prime sponsor Leighton Pratt. Representative Pratt.

Representative Leighton Pratt: I don't want to keep you too long so it is going to be very short. Fred King was going to speak today on it but he is in another committee meeting in the Senate. I think it is something like 315 so he couldn't come. Alger asked me to present his section so that I said I would do that. He didn't ask me for a great long speech on the subject. He did say that he would like to call your attention to do that to this bill and put it together. I am very strongly in support for a study to begin on the Connecticut River. Twenty years ago there was a study made on it. This past year the flow seemed to be greater going down the Connecticut River than normal. This is the first time I have ever known that Lake Francis was down to the point where recreational factors were not there. The Berkley Dam was produced by the CCC's in the 1930's and it was given to the State and I believe part of it was for recreational purposes. This past summer a lot of people said that the rain fall was short. Measurements in both Stewartstown and Lancaster indicated that the average rain fall, we had a drier season.

An article I read in the paper that said that the water table was low from the year before. Other than that I would like to have this carried through so we could make a good study of the Connecticut River and on the other side the Basin River Watershed Project. Mr. Alger asked me to speak for it and I think I am going to very quiet and see if I can let you go home early.

Senator John Gallus, D. 1: Any questions from the committee? Seeing none, we thank you very much.

Representative Leighton Pratt: Your welcome. Thank you.

Senator John Gallus, D. 1: Director William Bartlett? Do you wish to speak?

William Bartlett, Acting Exec. Director, NH Fish & Game: Thank you Mr. Chairman, members of the committee. For the record I am William Bartlett, Acting Executive Director of NH Fish and Game. We oppose this piece of legislation as written because we believe the last part of this which says, "and to study the use of certain state owned property along the Baker River". We believe the proper process to use in as far as the use of that land would be to go through court. There is no question that it should remain the property of the State of New Hampshire. It is just a question of who should manage it. I think that we are in agreement that the dam should not be replaced so there is little to be studied. I think study committees are fine but sometimes study committees can get in the way of progress and the change is going to be there. We protect the habitat. I think the Fish and Game, if the Department of Environmental Services does not wish to retain it. They would like to transfer it, I believe the Fish and Game would be very acceptive to receiving the property.

The first part we don't have any objection to but we do have concern about the Baker River. We think that has been studied enough and we should use it in the manner that it is being used presently.

Senator John Gallus, D. 1: Any questions from the committee?

William Bartlett, Acting Exec. Director, NH Fish & Game: Thank you.

Senator John Gallus, D. 1: Thank you Mr. Bartlett. Also signing up as Representative Pratt has mentioned in favor of the Bill, Representative John Alger who is no longer here.

Representative Leighton Pratt: Did I mention that Fred King couldn't be here too.

Senator John Gallus, D. 1: Yes, you did mention that. Also, Sandra Falicon with the NH Fish and Game.

William Bartlett, Acting Exec. Director, NH Fish & Game: Mr. Chairman, she had to leave. She was afraid they were going to lock her out at 4:00.

Senator John Gallus, D. 1: Ok.

William Bartlett, Acting Exec. Director, NH Fish & Game: I believe she gave her written testimony. (See attached written testimony of attached hereto and referenced as **Attachment #1**).

Senator John Gallus, D. 1: Yes. She is opposed. Would you accept a question Bill?

William Bartlett, Acting Exec. Director, NH Fish & Game: Sure.

Senator Sheila Roberge, D. 9: Out of the seven member committee do you think four is too many for a quorum? There is going to be seven members of this.

William Bartlett, Acting Exec. Director, NH Fish & Game: Senator, what my belief is is that we studied this area enough.

Senator Sheila Roberge, D. 9: So you want that part left off the bill.

William Bartlett, Acting Exec. Director, NH Fish & Game: What I would like to have left out is the part that, the last one, it looks to me like it is added on in here, "and to study the use of certain state owned property along the Baker River". I have no objection to the first part that is not anything of concern to the Fish and Game but Baker River is a very viable habitat for our state and our mission to Fish and Game.

Senator John Gallus, D. 1: Thank you very much.

William Bartlett, Acting Exec. Director, NH Fish & Game: Okay. Thank you.

Senator John Gallus, D. 1: Marjory Swope?

Marjory Swope, NH Assn of Conservation Commission: My name is Marjory Swope and I am the Executive Director of the NH Association of

Conservation Commissions. I plead ignorance on the study of the flow in the Connecticut River and I don't have any position on that. I share Director Bartlett's concern about Baker River. It is my understanding that this land was originally acquired back in the days when the soil conservation service, I believe it was then, were building dams. That money has gone away. There is not going to be a dam.

It is also my understanding that this bill was introduced because there was an adjacent land owner who felt that he needed access across the property now owned by DES. He has other access to his property, so that reason has gone away and the only reason I had come over to find out about this to begin with was it seemed to me that whatever one wished to do with his property could be done through court. That is true if it is a matter of changing it, changing the management from DES to Fish and Game, the Court can do that. The legislature need not. So, I would second Director Bartlett's motion to lop off the last half of the title and the third sentence, "and duties". I have no opinion on Connecticut River.

Senator John Gallus, D. 1: Any questions from the committee? Thank you very much.

Marjory Swope, NH Assn of Conservation Commission: Thank you.

Senator John Gallus, D. 1: Jim Gallagher, NH DES.

Jim Gallagher, NH DES: Thank you Mr. Chairman. I have a letter of testimony there for you. (Attached hereto and referenced as **Attachment #2**). I will try to brief here. My name is Jim Gallagher. I am the Chief Water Resources Engineer for the Department of Environmental Services. This bill deals with a study committee to press two issues. One being the flow and lake level management on the Upper Connecticut River. The other being the Baker River property. There are two different issues here. One is the water management of the Connecticut River, the other is land management in the Baker River which is attributory to the Merrimack. They were originally two separate bills and in the interest of trying to reduce the number of study committees they were merged into one. Both of those activities come under the prelude of the DES Dam Bureau so, in the spirit, I guess, of reducing the number of study committees, we certainly don't object to the merging.

In my letter of testimony I have two attachments. One describing the history of the acquisition of the Baker River property. How we manage it now. Our feeling is that we do manage it as a resource for the local community. We have no objection of, if someone wants to study our management practices

SB

and what ought to be the final deposition of that property. Likewise, there is another attempt to explain that management constraints, if you will, on the Connecticut River and there are a lot of constraints. There are contracts. There are Federal license requirements for minimal flows and lake levels on the Connecticut River. We don't have an objection to working with the study committee to look at those existing agreements to see what sort of flexibility there may be in those existing agreements to improve management in the Connecticut River.

Senator John Gallus, D. 1: Any questions from the committee? Thank you very much for your testimony. Bill Carney.

Bill Carney, NH Wildlife Federation: Bill Carney, NH Wildlife Federation. Again, like Director Bartlett, we are not opposed to the first section of the bill but we are opposed to the study of the Baker River. I want to call to your attention, originally in the last session, not in this session in the House. It was a House bill called 339, Representative Alger which is the same bill which has been reincorporated in this. After that hearing in the RR&D, it was decided by the people that maybe they should ITL the bill that day. It was killed and now we see it come up in this Bill. I just want to state from the Wildlife Federation that we have no concerns over the first part of the bill establishing water flows from the Connecticut River.

(Read from written testimony attached hereto and referenced as **Attachment #3**) Second paragraph.... The NH Wildlife Federation....

I am all done.

Senator John Gallus, D. 1: Any questions from the committee? Thank you very much for your testimony. Is there anyone else who would like to speak for a second time? There being no one. We close the hearing on HB 768. We thank you all for coming and your patience.

Hearing closed at 4:05 p.m.

Respectfully submitted:

Susan A. Bridge
Senate Secretary
May 5, 2003

3 Attachments

ATTACHMENT #1

New Hampshire Fish and Game Department

2 Hazen Drive, Concord, NH 03301-6500
Headquarters: (603) 271-3421
Web site: www.wildlife.state.nh.us

TDD Access: Relay NH 1-800-735-2964
FAX (603) 271-1438
E-mail: info@wildlife.state.nh.us

William S. Bartlett, Jr.
Acting Executive Director

Daniel R. Lynch
Assistant Director

N.H. Fish and Game Department
Testimony on HB 768
(New title) 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.

Senate Wildlife and Recreation Committee
April 29, 2003

Good afternoon Mr. Chairman and members of the Committee. For the record my name is Sandra Falicon and I am here this afternoon representing the Fish and Game Department. I would like to take this opportunity to comment on the section of the bill that pertains to the Baker River. The bill implies that there will be further discussions "relative to the need for a flood control and recreation dam and lake".

The NH Fish and Game Commission has had a long standing resolution on free flowing streams which reads:

> "The state's free flowing and unimpounded streams provide habitat for several significant fish species. However, there are currently over 250 existing dams in the state which impound or restrict free flowing streams and rivers, thus reducing habitats for certain fish species. Therefore the Fish and Game Commission directs the Department to oppose any new dam construction, reconstruction of breached dams and/or significant diversions of water which eliminate, reduce or degrade free flowing stream and river habitats which provide habitats for significant species of fish."

It is for this reason the Department opposes the portion of HB 768 which considers any dam on the Baker River.

ATTACHMENT #2

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

April 29, 2003

The Honorable John T. Gallus, Chairman
Wildlife and Recreation Committee
Legislative Office Building, Room 104
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, and to study the use of certain state-owned property along the Baker River

Dear Chairman Gallus:

Thank you for the opportunity to comment on HB 768. When HB 768 was first introduced in the House, it was to establish a committee to study the flow and water level management of the Connecticut River and its headwater lakes. However, the bill was later amended to include, as an additional objective of the study committee, the study of state-owned land at the Baker River Flood Control site in Wentworth. The two issues are largely unrelated. The first concerns water management in the Connecticut River, and the second concerns land management of a parcel of state-owned property in the Baker River, which is in the Merrimack River watershed. However, both issues are related to the responsibilities of the Department of Environmental Services (DES) Dam Bureau and can be combined into one study committee in the interest of reducing the number of study committees.

Attachment 1 is a summary of the contracts, agreements and federal license conditions that largely govern the management of flows in the Connecticut River and the operation of the dams on Lake Francis and the First and Second Connecticut Lakes. It also describes the factors that contributed to lower than normal lake levels during the latter part of the summer in 2002. Attachment 2 is a summary of the history of the state's acquisition and management of property on the South Branch of the Baker River, known as Baker Site 7.

DES believes that the existing contracts, agreements, and federal license conditions described in Attachment 1 constrain, to a large degree, 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. In addition, DES believes that since the deauthorization of the Baker Site 7 federal flood control project, DES's management of the property acquired for the project, as described in Attachment 2, has enhanced its value to the region. However, if this bill is enacted and a study committee is established, we will look forward to working with the committee to examine options to DES's management of the Baker River property, as well as to examine the Connecticut River 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

Attachments

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

ATTACHMENT 1

SUMMARY OF THE OPERATIONAL ISSUES REGARDING FLOW AND WATER LEVEL MANAGEMENT

CONNECTICUT RIVER, LAKE FRANCIS AND 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.

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.

ATTACHMENT 2

SUMMARY OF THE ACQUISITION AND CURRENT MANAGEMENT PRACTICES

BAKER RIVER FLOOD CONTROL PROJECT SITE 7 WENTWORTH, NEW HAMPSHIRE

The state-owned land on the South Branch of the Baker River in Wentworth was acquired approximately 30 years ago by the U.S. Soil Conservation Service (SCS) to construct a flood control and recreation dam at the site, known as Baker Site 7. In 1979 when construction of the Baker Site 7 flood control project was deauthorized by the federal government, the New Hampshire Water Resources Board, predecessor to the Department of Environmental Services (DES) and the local sponsor of the project, acquired the property. Since then, DES has managed the property to improve wildlife habitat and provide recreational opportunities in the local area. DES believes that its stewardship of this land has enhanced the value of the property as an asset to the state and local communities.

Baker Site 7 was one of fourteen flood control projects that were to be built under the Small Watershed Protection and Flood Protection Act (Federal Public Law Number 566) by SCS as part of its 1963 Baker River Watershed Plan. The purpose of the project was to reduce flooding in the communities along the Baker River, as well as portions of the towns of Plymouth and Holderness on the Pemigewasset River. The Baker 7 project was to be a multipurpose flood control and recreational development consisting of a 90-acre recreational impoundment surrounded by public lands and a day-use facility to provide picknicking, boating, swimming and fishing opportunities. The flood control storage provided by the project would have reduced flood stages by 6 feet along the South Branch, up to 2.5 feet along the lower Baker River and 1 foot on the Pemigewasset River. In 1978, SCS estimated that it would cost $3,814,200 to construct the project. Adjusting these costs for inflation using the Implicit Price Deflator, it is estimated that it would cost approximately $8,750,000 to construct the same project today.

Of the fourteen flood control projects proposed under the 1963 Baker River Watershed Plan, only seven were built. In the mid-1970s completion of the project was delayed due to the new National Environmental Policy Act (NEPA), which required an Environmental Impact Statement (EIS) on the seven sites still awaiting constructing. During the public review of the draft EIS for Baker Site 7 in 1978, SCS received numerous letters from the local, state and federal level in opposition to the project for either economic or environmental reasons. Although the town of Wentworth, at a special town meeting in 1978, voted by a narrow margin to support the project, SCS deauthorized it in 1979 based on environmental concerns identified during the EIS process and a reanalysis of the economic feasibility of the project.

Before the project was deauthorized, the Water Resources Board, in fulfillment of its

commitment to SCS as the local sponsor of the federal project, purchased eleven of the twenty properties needed for the project encompassing approximately 223 acres of the 516 acres that were to be acquired as part of the project. Included in the purchase were three dwellings with assorted outbuildings, one camp, and one garage. The state spent approximately $185,000 in acquiring the real estate, which was matched by an equal contribution by SCS.

After the project was deauthorized, the Water Resources Board declared the properties surplus and initiated actions to return them to private ownership, but disposal of the property was problematic. If the property were sold, SCS would have to be reimbursed for its share of the funds used to acquire the property. It also appeared that the former owners of the property were not interested in reacquiring their land. One former owner was a town selectmen, and he took the position that the land should remain in public ownership. When the Water Resources Board began the process of screening the property as surplus for disposal through the Council on Resources and Development, both the Fish and Game Department and the Department of Resources and Economic Development objected, halting the disposal process. Since then the land has been managed by DES.

At the outset, DES leased a portion of the property for agricultural use, but currently no agricultural leases remain. DES currently manages the site for recreation and fish and wildlife enhancement, and DES maintenance personnel periodically thin vegetation at the site to improve wildlife habitat. In the fall of 2000, DES contracted with the Audubon Society of New Hampshire to perform a habitat and biodiversity assessment of the property. The property consists of an extensive area of undeveloped river bottom that provides excellent terrestrial and aquatic habitat for a variety of native species of plants and animals, including several species of concern in New Hampshire. This type of habitat is rapidly disappearing in New Hampshire and is in need of protection.

A portion of the property has been leased to the Baker River Valley Snowmobile Club which has 650 members and maintains a clubhouse, parking lot, and snowmobile trails on the property. Included on the property is the Route 8 Corridor, which is a major snowmobile trail that runs from Massachusetts to Canada. The club indicates that on the weekends in the winter, approximately 500 visitors stop at the clubhouse and up to 1,500 snowmobilers use the trail each day. During the other seasons, the property is a popular destination for hunters, anglers, and birdwatchers.

ATTACHMENT #3

New Hampshire Wildlife Federation

Affiliate of the National Wildlife Federation

54 Portsmouth Street, Concord, NH 03301

Phone: (603) 224-5953 *E-mail: nhwf@aol.com*
Fax: (603) 226-7147 *Web: www.nhwf.org*

HOUSE BILL 339

Good afternoon, Mr. Chairman and members of the Resources, Recreation and Development Committee. For the record my name is William F Carney and I reside in the Town of Bow.
I am here today representing the New Hampshire Wildlife Federation (NHWF) as a non-paid member of the board of directors.
The New Hampshire Wildlife Federation is a membership organization representing over 7300 members and some 50 associated sportsmen's clubs located in New Hampshire

The New Hampshire Wildlife Federation (NHWF) is opposed to this bill. We do not believe a study committee is necessary or should be authorized to study the need for a flood control dam and recreational use dam on the "south branch" Baker River in the Town of Wentworth. This section of the river has one of the finest stretches of free flowing river water in the state and it should remain that way. River habitat that supports cold water species of fish and provides spawning areas and nursery habitat for these fish. The section of the river mentioned it this bill as a potential dam site is an area that is included in the Merrimack River Anadromous Fish Restoration Agreement established and signed in 1969 by The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, The States of Massachusetts and New Hampshire and in 1982 by The United States Forest Service. This agreement is still in effect today.

In the mid-seventies a flood control structure was also proposed for this same area and at that time it was opposed by both the New Hampshire Fish and Game Department as well as the Soil Conservation Service

We find it very interesting to note that a request for a study for a new dam is now being requested when many of our state agencies are spending hundreds of thousands of dollars each year to remove many dams from New Hampshire's rivers to create recreational and fisheries habitat.

We respectfully request your committee vote this bill INEXPEDIENT TO LEGISLATE.

We thank the committee for allowing the NHWF to testify on this bill.

Respectfully,

William F Carney

Speakers

SENATE WILDLIFE & RECREATION COMMITTEE

Date Aoril 29, 2003 Time 2:15 p.m. Public Hearing on Bill # HB768

(Insert here the title of the Bill)

(Please print) **Please check box(es) at left that apply.**

SPEAKING?	FAVOR	OPPOSED	NAME	REPRESENTING
☐	☒	☐	John Alyn	Grafton 14
☑	☑	☐	Bill Carney	NH Wildlife Fed
☑	☐	☒	Sandra Falicon	NH Fish
☑	☑	☑	Marjory Swope	NH Assn of Conservation Comms
☑	☐	☐	Jim Gallagher	NHDES Director
☒	☐	☒	~~Barthett~~ Bill Eckard	
☑	☒	☐	Brighton Pratt	
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To Baker River Ad on

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

April 29, 2003

The Honorable John T. Gallus, Chairman
Wildlife and Recreation Committee
Legislative Office Building, Room 104
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, and to study the use of certain state-owned property along the Baker River

Dear Chairman Gallus:

Thank you for the opportunity to comment on HB 768. When HB 768 was first introduced in the House, it was to establish a committee to study the flow and water level management of the Connecticut River and its headwater lakes. However, the bill was later amended to include, as an additional objective of the study committee, the study of state-owned land at the Baker River Flood Control site in Wentworth. The two issues are largely unrelated. The first concerns water management in the Connecticut River, and the second concerns land management of a parcel of state-owned property in the Baker River, which is in the Merrimack River watershed. However, both issues are related to the responsibilities of the Department of Environmental Services (DES) Dam Bureau and can be combined into one study committee in the interest of reducing the number of study committees.

Attachment 1 is a summary of the contracts, agreements and federal license conditions that largely govern the management of flows in the Connecticut River and the operation of the dams on Lake Francis and the First and Second Connecticut Lakes. It also describes the factors that contributed to lower than normal lake levels during the latter part of the summer in 2002. Attachment 2 is a summary of the history of the state's acquisition and management of property on the South Branch of the Baker River, known as Baker Site 7.

DES believes that the existing contracts, agreements, and federal license conditions described in Attachment 1 constrain, to a large degree, 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. In addition, DES believes that since the deauthorization of the Baker Site 7 federal flood control project, DES's management of the property acquired for the project, as described in Attachment 2, has enhanced its value to the region. However, if this bill is enacted and a study committee is established, we will look forward to working with the committee to examine options to DES's management of the Baker River property, as well as to examine the Connecticut River 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

Attachments

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

ATTACHMENT 1

SUMMARY OF THE OPERATIONAL ISSUES REGARDING FLOW AND WATER LEVEL MANAGEMENT

CONNECTICUT RIVER, LAKE FRANCIS AND 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.

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.

ATTACHMENT 2

SUMMARY OF THE ACQUISITION AND CURRENT MANAGEMENT PRACTICES

BAKER RIVER FLOOD CONTROL PROJECT SITE 7 WENTWORTH, NEW HAMPSHIRE

The state-owned land on the South Branch of the Baker River in Wentworth was acquired approximately 30 years ago by the U.S. Soil Conservation Service (SCS) to construct a flood control and recreation dam at the site, known as Baker Site 7. In 1979 when construction of the Baker Site 7 flood control project was deauthorized by the federal government, the New Hampshire Water Resources Board, predecessor to the Department of Environmental Services (DES) and the local sponsor of the project, acquired the property. Since then, DES has managed the property to improve wildlife habitat and provide recreational opportunities in the local area. DES believes that its stewardship of this land has enhanced the value of the property as an asset to the state and local communities.

Baker Site 7 was one of fourteen flood control projects that were to be built under the Small Watershed Protection and Flood Protection Act (Federal Public Law Number 566) by SCS as part of its 1963 Baker River Watershed Plan. The purpose of the project was to reduce flooding in the communities along the Baker River, as well as portions of the towns of Plymouth and Holderness on the Pemigewasset River. The Baker 7 project was to be a multipurpose flood control and recreational development consisting of a 90-acre recreational impoundment surrounded by public lands and a day-use facility to provide picknicking, boating, swimming and fishing opportunities. The flood control storage provided by the project would have reduced flood stages by 6 feet along the South Branch, up to 2.5 feet along the lower Baker River and 1 foot on the Pemigewasset River. In 1978, SCS estimated that it would cost $3,814,200 to construct the project. Adjusting these costs for inflation using the Implicit Price Deflator, it is estimated that it would cost approximately $8,750,000 to construct the same project today.

Of the fourteen flood control projects proposed under the 1963 Baker River Watershed Plan, only seven were built. In the mid-1970s completion of the project was delayed due to the new National Environmental Policy Act (NEPA), which required an Environmental Impact Statement (EIS) on the seven sites still awaiting constructing. During the public review of the draft EIS for Baker Site 7 in 1978, SCS received numerous letters from the local, state and federal level in opposition to the project for either economic or environmental reasons. Although the town of Wentworth, at a special town meeting in 1978, voted by a narrow margin to support the project, SCS deauthorized it in 1979 based on environmental concerns identified during the EIS process and a reanalysis of the economic feasibility of the project.

Before the project was deauthorized, the Water Resources Board, in fulfillment of its

commitment to SCS as the local sponsor of the federal project, purchased eleven of the twenty properties needed for the project encompassing approximately 223 acres of the 516 acres that were to be acquired as part of the project. Included in the purchase were three dwellings with assorted outbuildings, one camp, and one garage. The state spent approximately $185,000 in acquiring the real estate, which was matched by an equal contribution by SCS.

After the project was deauthorized, the Water Resources Board declared the properties surplus and initiated actions to return them to private ownership, but disposal of the property was problematic. If the property were sold, SCS would have to be reimbursed for its share of the funds used to acquire the property. It also appeared that the former owners of the property were not interested in reacquiring their land. One former owner was a town selectmen, and he took the position that the land should remain in public ownership. When the Water Resources Board began the process of screening the property as surplus for disposal through the Council on Resources and Development, both the Fish and Game Department and the Department of Resources and Economic Development objected, halting the disposal process. Since then the land has been managed by DES.

At the outset, DES leased a portion of the property for agricultural use, but currently no agricultural leases remain. DES currently manages the site for recreation and fish and wildlife enhancement, and DES maintenance personnel periodically thin vegetation at the site to improve wildlife habitat. In the fall of 2000, DES contracted with the Audubon Society of New Hampshire to perform a habitat and biodiversity assessment of the property. The property consists of an extensive area of undeveloped river bottom that provides excellent terrestrial and aquatic habitat for a variety of native species of plants and animals, including several species of concern in New Hampshire. This type of habitat is rapidly disappearing in New Hampshire and is in need of protection.

A portion of the property has been leased to the Baker River Valley Snowmobile Club which has 650 members and maintains a clubhouse, parking lot, and snowmobile trails on the property. Included on the property is the Route 8 Corridor, which is a major snowmobile trail that runs from Massachusetts to Canada. The club indicates that on the weekends in the winter, approximately 500 visitors stop at the clubhouse and up to 1,500 snowmobilers use the trail each day. During the other seasons, the property is a popular destination for hunters, anglers, and birdwatchers.

Testimony on HB 768 (which incorporates HB 339)
a committee to study the use of certain state-owned property along the Baker River
To: Senator John T. Gallus, Chairman **April 29, 2003**
Wildlife & Recreation Committee (Laptop)
From: Representative John Alger

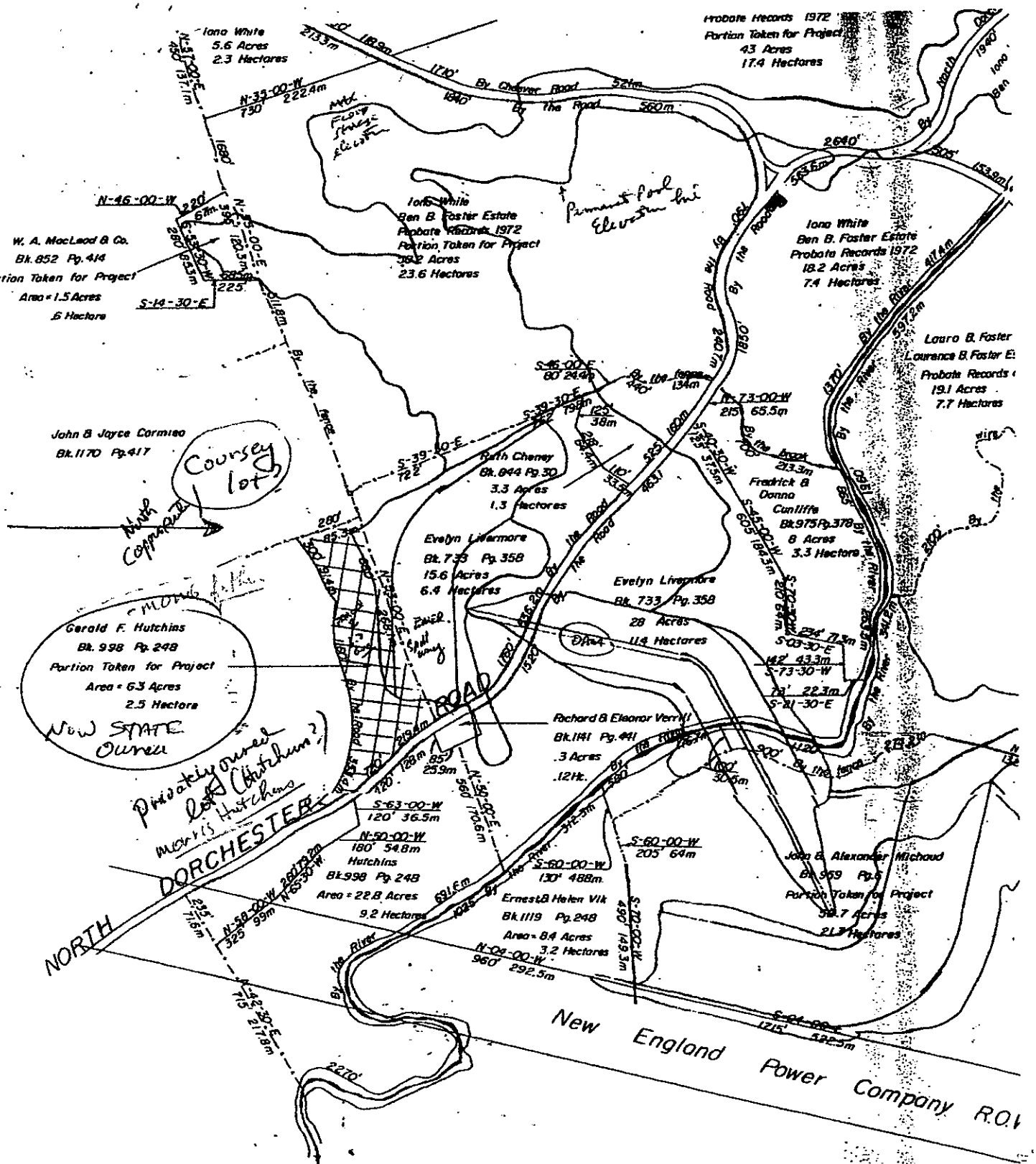
Dear Chairman and members of the Committee,

For the record, my name is John Alger, one of two State Representatives for District 14, representing the towns of Campton, Ellsworth, Orford, Rumney, and Wentworth.

This bill, HB 768, now includes HB 339 which was a study concerning certain state-owned property along the Baker River. I agreed, on request by Chairman Royce of the House RRD Committee that HB 339 be incorporated into HB 768 in order to eliminate the need for two study committees on similar subjects. Therefore "Duties" in the bill includes the Baker River property. I very much hope that this combined bill will pass and will include the Baker River study. Here's why.

In the 1960's and 70's several flood control dams were constructed along the Baker River and its tributaries to control downstream flooding. However, the seventh such dam, on land in the Town of Wentworth, was not built; but, a design was developed and land has been and is actively being accumulated to build that dam in the future. According to information provided by Mark Stevens of DES, this is a Baker River Watershed Project: Multiple Purpose Dam No. 7 - South Branch Baker River. Its drainage area would be 15,520 acres and have flood storage capacity of 3,907 acre feet with a water surface area of 90 acres and a dam height of 78 feet. These dams have been built under the federal law: "Watershed Protection and Flood Prevention Act." In discussion with DES, I found that land is still being accumulated, about 500 acres authorized and about 216 owned so far, I understand; but no plan of action seems to exist as to future construction of the dam. Is it really needed? In this day of extensive environmental concerns, could it be built? Should the lands involved be returned to taxable town property? Or should these lands now state property be turned into another state park? The Wentworth Selectmen and various others have inquired and are concerned about the future of the property. There is, at present, a snow mobile club on the property which apparently has a temporary lease from the state. They are naturally concerned as to future plans for the property. Finally, I learned of this property from a constituent who has interest in adjacent property and seeks access to the town road perhaps across the state property.

I have attached a map of part of the dam property showing the lines of water levels; but, I defer to the DES personnel for explanation of the property and present status of the project. It appears to me that a careful evaluation of the project and a recommendation next fall as to its disposition is appropriate. Therefore, I urge passage of this study within HB 768. Thanks for your interest and attention.



Drainage Area 15,525 acres
Flood Storage 3967 acre ft
Water surface area 91 acres
@ recreation pool
Height of Dam 78 feet

BAKER RIVER WATERSHED
Multiple Purpose Project
Site-7 South Branch

New Hampshire

Communist Rules for Revolution

(Captured in Dusseldorf May, 1919, by Allied Forces)

"**A.** Corrupt the Young, get them away from religion. Get them interested in sex. Make them superfical, destroy their ruggedness.

"**B.** Get control of all means of publicity and thereby:

"1. Get peoples minds off their government by focusing their attention on athletics, sexy books, plays and other trivalities.

"2. Divied the people into hostile groups by constant harping on controversial matters of no importance.

"3. Destroy the people's faith in their natural leaders by holding! the latter up to contempt, ridicule and obloquy.

"4. Always preach true democracy but seize power as fast and as ruthlessly as possible.

"5. By encouraging government extravagance, destroy its credit produce fear of inflation with rising prices and general discontent.

"6. Forment unnecessary strikes in vital industries, encourage civil disorders, foster a lenient and soft attitude on the part of the government toward such disorders.

"7. By specious argument cause the breakdown of the old moral virtues: honesty, sobriety, contingence, faith in pledged word and ruggedness.

"**C.** Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

Note: The above " Rules for Revolution' were secured by the State Attorney's office from a known member of the Communist Party, who acknowledged it to still a part of the Communist program for overthrowing our Government"

GEORGE A. BRAUTIGAM
State Attorney
State of Florida

(And it is still being applied today by people who are not Communists, but do not know that they applying them.)

FIREARMS STAND NEXT IN IMPORTANCE TO THE CONSTITIUTION ITSELF. THEY ARE AMERICAN PEOPLES LIBERTY, TEETH AND KEYSTONE UNDER INDEPENDENCE; WHEN FIREARMS GO, ALL GOES! WE NEED THEM EVERY HOUR. PRESIDENT GEORGE WASHINGTON.

'' LAWS THAT FORBID THE CARRYING OF ARMS,,, DISARM ONLY THOSE WHO ARE NEITHER INCLINED NOR DETRMINED TO COMMIT CRIMES... SUCH LAWS MAKE THINGS WORSE FOR THE ASSAULTED, AND BETTER FOR THE ASSAILANTS; THEY SERVE RATHER TO ENCOURAGE THEN TO PEVENT HOMICIDES, FOR AN UNARMED MAN MAY BE ATTACKED WITH GREATER CONFIDENCE THAN AN ARMED MAN."
PRESIDENT THOMAS JEFFERSON

THIS YEAR WILL GO DOWN IN HISTORY. FOR THE FIRST TIME A CIVILIZED NATION HAS FULL GUN REGISTRATION, THE STREETS WILL BE SAFER, OUR POLICE MORE EFFICIENT AND THE WORLD WILL FOLLOW OUR LEAD INTO THE FUTURE. ADOLF HITLER 1939.
(Then he had 13 million of his people killed { of which 6 Million were Jews})

In 1920 Joe Stalin had all guns registrated. had them confescated and then he had some 20 million of his people killed and he also murdered his wife.

In 1949 when the Communist conquored China they consfiskated all firearms

and then Killed 20 million of their people. Hou Ta Tung said " AII POWER

COMES FROM THE BARREL OF THE GUN"

Great caution must be taken in accepting the authenticity of any visions or dreams of men, The following vision, however, does have some very remarkablr factors which seem to be fully true to U.S. history as well as to the potential history of today. the occurrences depicted are also in accord with prophecies of the Bible.

The story of the occurrence and the content of this vision was first published in the American war veterans' paper *The National Tribune* in December, 1880. That paper is now known as *The Stars and Stripes*. The vision account was reprinted again in *The Stars and Stripes* dated December 21, 1950. The occasion of the vision as told to publisher Wesley Bradshaw, is as follows:

The last time I ever saw Anthony Sherman was on the forth of July, 1859, in Independence Square, He was then ninety nine years old, and becoming very feeble, But so old, his dimming eyes rekindled as he gazed upon Independence Hall, Which he had come to visit once more. " Lets go into the hall," he said." I want to tell you of an incident of Washington's life- one which no one alive knows of except myself; and if you live, you will before long see it verified. Mark the prediction, you will see it verified. " From the opening of the Revolution we experienced all phases of fortune, now good and now ill, one time victorious and another conquered. The darkest period we had, I think, was when Washington after several reverses, retreated to Valley Forge, where he resolved to pass the winter of 1777. Ah! I have often seen the tears coursing down our dear commander's care- worn cheeks, as he would be conversing with confidential officer about the condition of his poor soldiers. You have doubtless heard the story of Washington's going to the thicket bto pray. Well it was not only true, but he used often to pray in secret for aid and comfort. And God brought us safely through the darkest days of tribulation. " One day, I remember it well, the chilly winds whistled through the leafless trees, though the sky was cloudless and the sun shone brightly, He remained in his quarters nearly all the afternoon, alone. when he came out I noticed that his face was a shade paler than usual, and there seemed to be something on his mind of more than ordinary importance. Returning just after dusk, he dispatched an orderly to the quarters of an officer, who was presently in attendance. After preliminary conversation of about half an hour, Washington, gazing upon his companion with that strange look of dignity which he alone could command, said to the latter:

An uninvited Guest

" I do not know whether it is owing to the anxiety of my mind or what, but this afternoon, as I was sitting at this table engaged in preparing a dispatch, souething in the apartment seemed to disturb me, Looking up, I beheld standing opposite me a singularly beautiful being, So astontshed was I, for I had given strict orders not to be disturbed, that it was some moments before I found language to inquire the cause of the visit, A second, a third, and even a forth time did I repeat the question, but received no answer from my mysterious visitor except a slight raising of the eyes.

"" By this time I felt strange sensations spreading over me, I would have risen but the riveted gaze of the being before me rendered volition impossible, I assayed once more to speak, but my tongue had become useless, as if paralyzed. A new influence, mysterious, pontent, irresistible, took possession of me, All I could do was gaze steadily

at my unknown visitor. 'Gragually the surrounding atmosphere seemed to fill with sensations, and grew luminous. Everything about me seemed to rarefy, the mysterious visitor also becoming more airy and yet more distinct to me eyes than before. I began to feel as one dying, or rather to experience the sensations which I have sometimes imagined accompany death. I did not think, I did not reason, I did not move. All were alike impossible. I was only conscious of gazing fixedly, vacantly at my companion.

The Revolutionary War was seen in theVision

"Presently I heard a voice saying, Son of the Republic, look and learn,' while at the same time my vistor extended an arm eastward, I now beheld a heavy white vapor at some distance rising fold upon fold. This gradually dissipated and I looked upon a strange scene. Before me lay, spread out in one vast plain, all the countries of the world-Europe, Asia, Africa and America. I saw rolling and tossing between Europe and America the Billows of the Atlantic, and between Asia and America lay the Pacific." Son of the Republic " said the same mysterioous voice as before, "look and learn."

" 'At the same moment I beheld a dark, shadowy being,, like an angel, standing, or rather floating in mid-air, between Europe and America. Dipping water out of the ocean in thehollow of each hand, he sprinkled some upon America with his right hand, while with his left he cast some over Europe, Iemmediately a cloud arose from these, countries, and joined in mid-ocean. For awhile it seemed stationary, and then it moved slowly westward, until it enveloped America in its murky folds. Sharp flashes of lighting gleamed through it atvintervals, and I heard the smothered groans and cries of the American people.[This maybe interpreted to havebeen Revolutionary War then in progress,] "A second angel dipped water from the ocean and sprinkled it out as before. The dark cloud was then drawn, back to the ocean, in whose heaving billows it sank from view.

Prediction of the Civil War

"' A third time I heard the mysterious vistor saying, Son of the Republic, look and learn." I cast my eyes upon America and beheld villages and towns and cities springing up one after another until the whole land from Ailantic to the Pacific was dotted them, Again I heard the mysterious voice say "Son of the Republic , the end of the century cometh, look and learn."

"' And this dar shadowy angel turned his face southward. From Africa I saw an ill-omened spectre approach our land. The inhabitants presently set themselves in battle array against each other. As i continued looking I saw a bright angel on whose brow rested acrown of light, on which was traced the word "Union." He was bearing the American flag between the divided nation and said,"Remember, ye are brethren."

The Republic Develops as "A Nation"

"'Instantly, the inhabitants, casting down thetr weapons, became friends once more and united around the National Standard.

Frightful-Incredible- World War III

"Again I heard the mysterious voice saying, "Son of the Republic, look and learn." At this the dark, shadowy angel placed a trumpet to his mouth, and blew three distinct blasts; and taking water from the ocean, he sprinkled it upon Europe, Asia and Africa. " ' Then my eyes behald a fearful scene. From each of these continents arose thick black clouds that were soon joined into one, And through this mass there gleamed a dark red light by which I saw hordes of armed men. These men, moving with the cloud, marched by land and sailed by sea to America, which country was enveloped in the volume of the cloud, And I dimly saw these vast armies devastate the whole country and burn villages, towns and cities which I had seen springing up.

" 'As my ears listened to the thundering of the cannon, clashing of swords and the shouts and cries of millions in mortal combat, I again heard the mysterious voice saying, "Son of the Republic, look and learn." When this voice had ceased. the dark shadowy angel placed his trumpet once more to his mouth. and blew a long and fearful blast

Heaven Helps the U.S.A.

"'Instantly a light as a thousand suns shone down from above me, and pierced and broke into fragments the dark cloud which enveloped America. At the same moment the angel upon whose head still shown the word " Union," and who bore our national flag in one hand and a sword in the other, desended from thr heavens attened by legions of white spirits. These immediately joined the inhabitants of America, Who I perceived were well-nigh overcome, but who immediately taking courage again, closed up their broken ranks and renewed the battle. "'Again amid the Fearful noise of the conflict I heard the mysterious voice saying "'Son of the republic, look and learn." As the voice ceased, the shadowy angel for the last time dipped water from the ocean and sprinkled it upon Amercia. Instantly the dark cloud rolled back, together with the armies it had brought, leaving the inhabitants of the land victorious.

The Destiny of the United States

" 'Then once more , I beheld the villages, towns and cities springing up where I had seen them before, while the bright angel, planting the the azure standard he had brought in the midst of them, cried with a loud voice: "While yhe stars remain, and the heavens send down dew upon the earth, so long shall Union last." And taking from his brow the crown on which blazened the word "Union," he placed it upon the standard while the people kneeling down said, "Amen." "The scene instantly began to fade and dissolve, and I at last saw nothing but the rising, curling vapor I at first beheld. This also disappeared, and I found myself once more gazing upon the mysterious visitor, whe, in the same voice I heard before, said,"Son of the Republic, what you have seen is thus interpreded. Three great perils will come upon the Republic, The most for her is the thrid. But whole world united shall not prevail against her. Let every child of the Republic learn to live for his God, his land and Union," With these words the vision vanished, and I started from my seat and felt that I had seen a vision wherein had been shown me the birth, the progress, and destiny of the United States.'

The story of the occurrence and the content of this vision was first published in the American war veterns' paper *The National Tribune* in December, 1880. That paper is now known as *The Stars and Stripes.* The vision account was reprinted again in *The Stars andStripes* dated December 21,1950. The occasion of the vision, as told to publisher Wesley Bradshaw, is as follows.

The last time I ever saw Anthony Sherman was on the forth of July, 1859, in Independence square. He was then ninety-nine years old, becoming very feeble. But though so old, his dimming eyes rekindled as he gazed upon Independence Hall, which he had come to visited once more. "lets go into the hall," he said. "I want to tell of an incident of Washington's life-one which no one alive knows of except myself; and if you live, you will before long, see it verified. Mark the prediction, you will see it verified.

"From the opening of the Revolution we experienced all phases of fortune, now good and now ill, one time victorious and another conquered. The darkest period we had, I think was when Washington after several reverses, retreated to Vally Forge, where he resolved to pass the winter of 1777. Ah! I have often seen tears coursing down our dear commanders care worn cheeks, as he would be conversing with a confidential officer about the condition of his poor soldiers. You have doubtless heard the story of washingtons's going to the thicket to pray. Well it was not only true, but he used often to pray in secret for aid and comfort. And God brought us safely through thr darkest days of tribulation. "One day, I remember it well, the chilly winds whistled through the leafless trees, though the sky was cloudless and the sun shone brightly. He remained in his quarters nearly all after noon, alone. When he came out I noticed that his face was a shade paler then usual, and there seemed to be something on his mind of more than ordinary importance. Returing just after dusk, he dispatched an orderly to the quarters of an officer, Who was presently in attendance. After a preliminary conversation of about half an hour, Washington , gazing upon his companion with that strange look of dignity which he alone could command, said to me: (The previous Pages)

{ This Story is From the book intitled "World War III and The Destiny of America By Pastor Charles R. Taylor published in 1979"}

Which we are now facing in 2001

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)

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.

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.

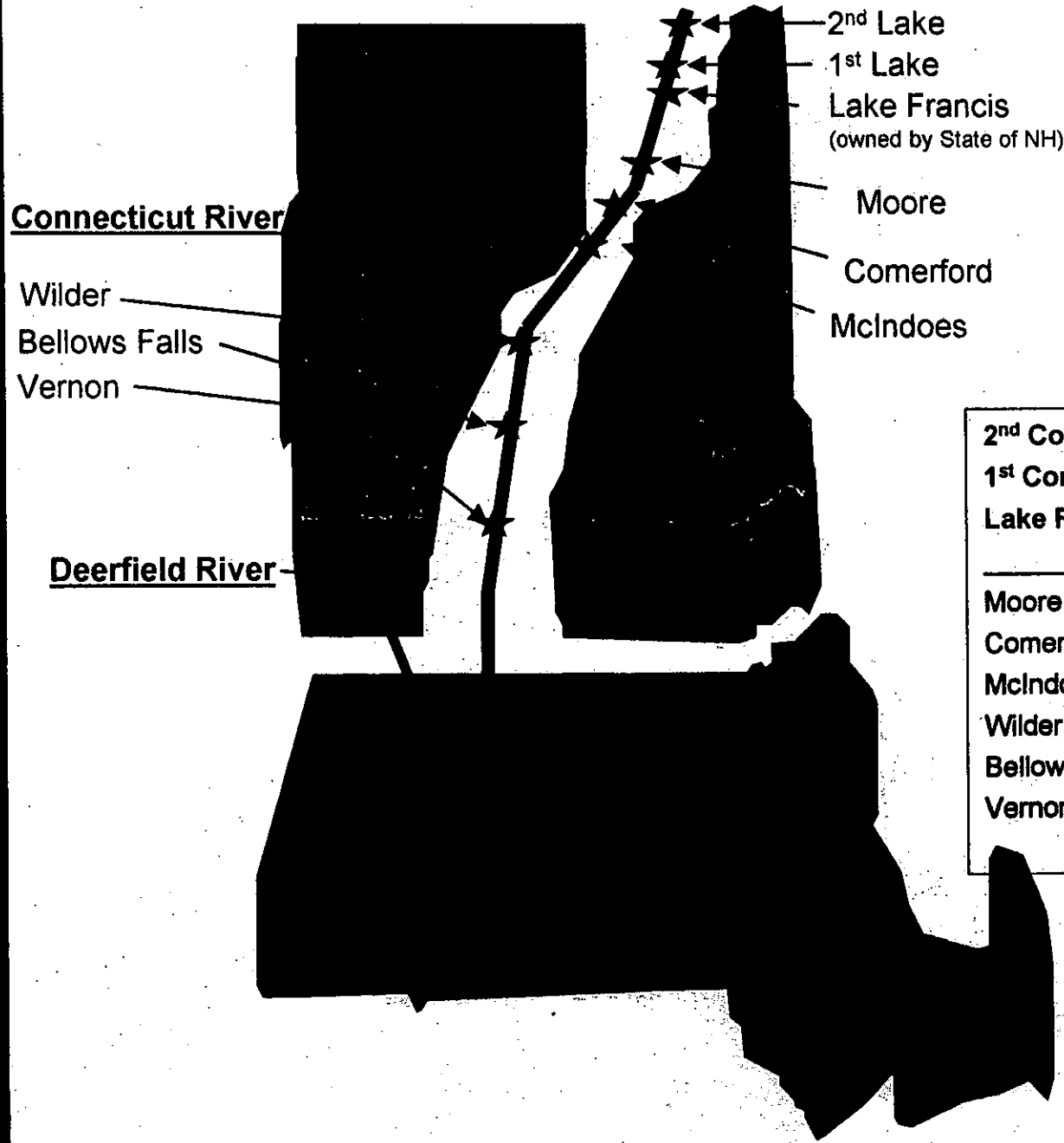
Again, at the request of the Chairman, Representative Alger discussed a set of draft conclusions and recommendations he prepared for the meeting with copies provided for all members of the Committee and the visitors. After discussion the conclusions were adopted as written. Thereafter considerable discussion 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"

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Wildlife and Recreation

to which was referred House Bill 768

AN ACT (New Title) 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.

VOTE: 3-0

2003-1459s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Sheila Roberge
For the Committee

HB768 Docket

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Bill Title: (2nd New Title) 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.

Date	Body	Description
1/30/2003	H	Introduced and ref to Res, Rec & Dev; HJ 12, p209
2/5/2003	H	Hearing Mar 4 11:30 RM305,LOB
3/20/2003	H	Maj Report OTP/AM for Mar 25 (Vote 13-0;CC)
3/20/2003	H	Prop Comm Am{0891}(New Title); HC26, p754
3/25/2003	H	Passed with Am; HJ 29-pt 1, p887-888 + pt 2, p967
4/10/2003	S	Introduced and Ref. to Wildlife & Recreation; SJ 12, Pg.318
4/16/2003	S	Hearing; April 29, 2003, Room 104, LOB, 2:00 p.m.; SC19
4/23/2003	S	Hearing; === TIME CHANGE === April 29, 2003, Room 104, LOB, 2:15 p.m.; SC20
5/1/2003	S	Committee Report; Ought to Pass with Amendment{1459},(New Title), [05/08/03]; SC21, Pg.17-18
5/8/2003	S	Committee Amendment{1459},(New Title), AA, VV; SJ 15, Pg.367-368
5/8/2003	S	Ought to Pass with Amendment{1459},(New Title), MA, VV; OT3rdg; SJ 15, Pg.368
5/8/2003	S	Passed by 3rd Reading Resolution; SJ 15, Pg.370
5/15/2003	H	House Nonconc with Sen Am req Conf Comm, Rep Royce MA VV; HJ 42, p1309
5/15/2003	H	(Spkr appts: Reps Lawton, C Christensen, C Laflamme & Brueggemann)
5/29/2003	S	Sen. Gallus Accede to House Request for Committee of Conference, MA, VV; SJ 18, Pg.488
5/29/2003	S	President Appoints Senators Johnson, Gallus, Below; SJ 18, Pg.488
6/6/2003	H	Conf Comm meeting June 10 2:00 RM305,LOB
6/19/2003	S	Committee of Conference Report; Sen. Am+New Am.{2067}, Filed;
6/24/2003	S	Conference Committee Report{2067}, Adopted, VV; SJ 20, Pg.807-808
6/24/2003	H	Conf Comm Report Adopted VV;
6/30/2003	H	Enrolled;
6/30/2003	S	Enrolled;

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Docket Abbreviations