

Voting Members:

David Packard
Chair
NH Lakes Assn.

Bruce Allen
Conservation
Commissions

Shane Bradt
Scientific Community

Tiffany Grade
Conservation
Community

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Jared Maraio
NH Travel Council

Lisa Morin
State Conservation
Committee

Rex Norman
Municipal Official

Dick Smith
Fishing Interests

Bruce Temple
NH Fish & Game
Commission

Mary Truell
NH Association of
Realtors

Vacant
Marine Trades
Association

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

Shawn Jasper
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Vacant
Watershed Coordinator

Vacant
Program Assistant

N.H. Lakes Management and Protection Program
N.H. Lakes Management Advisory Committee

January 13, 2021

The Honorable Edward Gordon, Chair
House Judiciary Committee
Legislative Office Building, Room 208
Concord, NH 03301

RE: HB 82 - AN ACT relative to amending a conservation easement between the state and a landowner.

Dear Chair Gordon and Members of the Committee:

RSA 483-A established the New Hampshire Lakes Management and Protection Program and the Lakes Management Advisory Committee (LMAC) to complement and reinforce existing state and federal water quality laws. Within its responsibilities of advising the NHDES Commissioner and the department, the LMAC reviews and takes positions on legislation pertaining to New Hampshire's lakes. The LMAC appreciates the opportunity to comment on House Bill 82.

At the meeting of the LMAC on January 11, 2021, the LMAC voted to oppose HB 82. The text proposed for addition to RSA 477:46, "**Nothing in this section shall prohibit a governmental body and a landowner from changing the terms of an established conservation easement, including but not limited to exchanging another parcel in return for easing current use restrictions, if such change is to correct an injustice or for any reason that advances the public good**" is overbroad. The terms "injustice" and "public good" are not definable and are open to subjective interpretation. If this bill were to become law, it would potentially endanger all legally established conservation easements to radical revision for any randomly conceived excuse, circumventing the purpose for which those easements were established. Many of these conservation easements were designed to protect lake water quality, which is critical to our state's economy, clean drinking water, and the fish and wildlife that live in our lakes.

The LMAC is a legislatively created body of stakeholders, in support of lakes, representing the NH Lakes Association, conservation commissions, scientific community, conservation community, planning boards, Business and Industry Association, tourism industry, state conservation committee, NH Municipal Association, fishing interests, NH Fish & Game Commission, NH Association of Realtors, Marine Trades Association, and several state agencies. Committee members are appointed by the Governor and Council or the head of the state agency and are charged with supporting the legislative intent of the Lakes Management and Protection Program.

In conclusion, the LMAC opposes HB 82 for the reasons stated above. Thank you for the opportunity to comment. Should you have further questions about this letter, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Respectfully,



David Packard
Chair

The Honorable Edward Gordon
Chair, House Judiciary Committee
HB 82 January 13, 2021
Page 2

ec: Rep. Paul Berch
Rep. Michael Abbott
Rep. Cathryn Harvey
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES