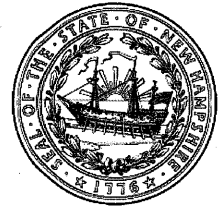




The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



November 18, 2022

SENT VIA ELECTRONIC MAIL

Commissioner Taylor Caswell
NH Department of Business and Economic Affairs
Chair, Council on Resources and Development
100 North Main Street, Suite 100
Concord, NH 03301

Re: Transfer of Weeks Crossing Dam and Associated Property and Easements to the Town of Warren

The Department of Environmental Services (NHDES) proposes to transfer ownership of the Weeks Crossing Dam and associated property and easements to the Town of Warren. The dam is a 113-foot-long, 14-foot-high concrete structure with earth abutments, and the associated property and easements total 0.42 acres. The dam and property are located on Black Brook off Gould Hill Road in Warren.

On July 1, 2017, the state-owned Weeks Crossing Pond Dam in Warren, which was formerly owned by the New Hampshire Fish and Game Department (NHFG), was destroyed during a flooding event. The flood event was declared a major disaster (FEMA-4329-DR-NH) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for the State of New Hampshire on August 9, 2017, making the state eligible for federal financial assistance to reconstruct the dam. The impoundment formed by the Weeks Crossing Dam provided the Town of Warren with a water supply for fire protection and a wildlife recreation resource for fishing, boating and swimming. For that reason, the Town of Warren and NHFG agreed that, if the state would rebuild the dam with federal assistance, the Town would take ownership of the dam, as well as responsibility for the operation and maintenance of the dam. This request is to fulfill that agreement and transfer ownership and responsibility for the liability and the operation and maintenance of the dam from the state to the Town of Warren.

NHDES is responsible for the repair and reconstruction of state-owned dams and operates and maintains the dams owned by NHFG. To facilitate the transfer of the reconstructed dam to the Town of Warren, NHDES acquired NHFG's property rights associated with the dam, as approved by the Governor and Executive Council on May 20, 2020 (Item #42), which conditioned that acquisition on the ultimate transfer of the property to the Town of Warren. In addition, because the footprint of the reconstructed dam needed to be larger to meet current dam safety standards, NHDES acquired additional property and easement rights from the two adjacent property owners to construct and maintain the dam in the future. This property acquisition was approved by the legislature, as required under RSA 482:44, by enactment of Chapter 195:1 of the Laws of 2019, and approved by the Governor and Executive Council on February 5, 2020 (Item #41).

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NHDES completed the reconstruction of Weeks Crossing Dam in the fall of 2021, with 75% of the funding provided by the Federal Emergency Management Agency in disaster relief funds from the federally declared disaster. Now that the reconstruction of the dam is complete, NHDES is seeking to transfer ownership of the dam and the property and easements needed to operate and maintain the dam to the Town of Warren.

Please submit this proposal to the Council on Resources and Development (CORD) for review at its next meeting. If you have any questions, please contact either Corey Clark at (603) 271-8871 or Patrick Bell at (603) 271-1960.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott". The signature is fluid and cursive, with a large initial "R" and "S".

Robert R. Scott
Commissioner

ec: Stephanie N. Verdile, Principal Planner, Office of Strategic Initiatives

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: New Hampshire Department of Environmental Services

Agency Contact Person: Corey J. Clark, P.E.
Address: 29 Hazen Drive, P O Box 95 Concord, NH 03302-0095
Phone Number: 603-271-8871
E-Mail: Corey.J.Clark@des.nh.gov

Applicant Contact Person: Patrick L. Bell, LLS
Address: 29 Hazen Drive, P O Box 95 Concord, NH 03302-0095
Phone Number: 603-271-1960
E-Mail: Patrick.Bell@des.nh.gov

Location of Property: Gould Hill Road, Warren NH Tax Map 221, Lots 17 & 18

Acreage: Total Easement area = 18097.0 sq. ft. or 0.42 acres

Requested Action: Surplus to the Town of Warren

Term of Lease or Easement: Perpetual

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Please complete ALL questions below, submit one digital copy, one hardcopy with original signatures, and three photocopies of the completed application to:

NH Bureau of Economic Affairs
NH Office of Planning & Development
100 North Main St, Suite #100,
Concord, NH 03301
Attn: Stephanie N. Verdile, Principal Planner stephanie.n.verdile@livefree.nh.gov

1. What is the current use of this property?

A state-owned dam impounding an 8-acre pond

2. What is the proposed use of this property if surplused? Please note if proposed use is intended to create a public benefit.

The property will continue its current use. The dam will become a town-owned dam, and its impoundment will continue to provide the public benefits as a water supply for fire protection and as a wildlife management and recreation resource for fishing, boating and swimming.

3. Does the proposed use of this property entail new development? Yes No

a. If yes, is it consistent with adjacent and existing development? Yes No

b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or its surroundings.

4. Are there any structures located on this property? Yes No

a. If yes, please describe the structures including how many and what kind?

A concrete dam.

5. Are there historical architectural or archaeological resources identified on this site?

Yes No

a. If yes, describe the resource(s)?

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? Yes No

a. If yes, describe the use and number of structures of adjacent sites.
If no, where is the nearest development? (Describe distance, use, and number)

There is a summer home located on the shore of the impoundment with a few year-round/summer homes and cabins in the immediate vicinity. The land surrounding the pond is generally privately owned and undeveloped. The impoundment is also within property owned by the United States Department of Agriculture (USDA), Forest Service, White Mountain National Forest (WMNF).

7. Does the site represent the entire state property in this location? Yes No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

8. Is access to this property available? Yes No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

Access to the property is from Gould Hill Road

b. If yes, is there a potential for public access interruption? Yes No

9. Are there water resources related to this property, such as:
Lakes/Ponds - Yes No OR Rivers - Yes No OR Wetlands - Yes No?

a. If yes, please indicate the size or extent of such resources.

Weeks Crossing Pond is an 8-acre impoundment.

b. If yes, briefly describe how the requirements of RSA 483-B (Shoreland Water Quality Protection Act) apply to potential development of this property:

Since the impoundment has an area of less than 10 acres, the requirements of RSA 483-B (Shoreland Water Quality Protection Act) does not apply to this property.

c. If yes, briefly describe how any municipal zoning requirements for buffers or setbacks from lakes, rivers or wetlands apply to potential development of this property:

There are no municipal zoning requirements for buffers or setbacks that apply to this property

d. Is the property within 250 feet of a lake/pond or river/stream? Yes No

e. If lakes or rivers are related to this property, describe current public or private access from the site to the water body? Public Private No Access Available

Description: Public access is via Gould Hill Road and over the earthen abutments of the dam, and private access is through private property abutting the waterbody.

f. How would the proposal affect the access opportunities described in e?

No change. Both public and private access will be maintained.

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

	Yes (property)	Yes (adjacent property)	No
a. Steep slopes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Wetlands (Prime and NWI)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Threatened or endangered species	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Wildlife Action Plan Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Increased impervious surface	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Potential stormwater flow changes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Agricultural soils of prime, statewide, or local importance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Potential river channel change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Other special designations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please provide a description for any "yes" responses to question #10.

a. The area is on Monadnock and Hebron soils with slopes of 15 to 35%

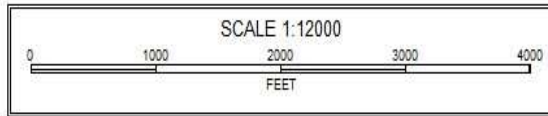
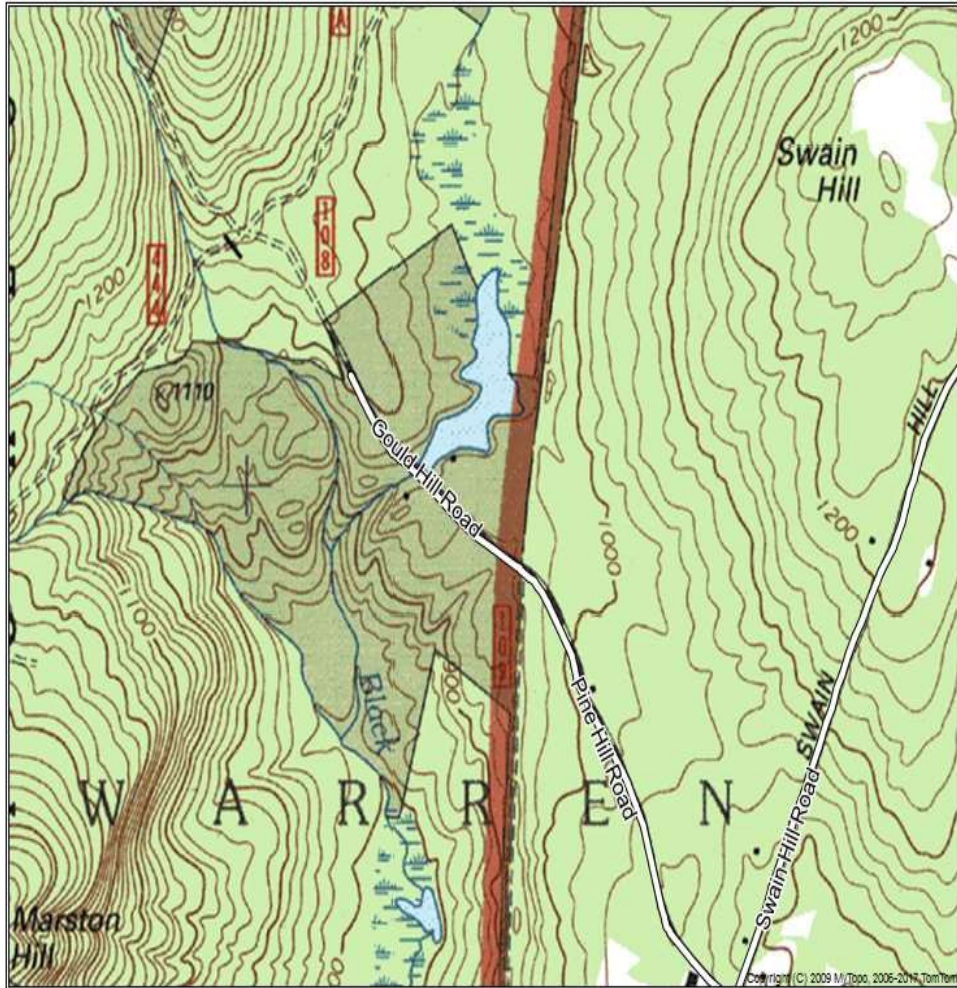
b. The wetlands consist of peatlands north of the property and a freshwater pond surrounded by a freshwater forest shrub and riverine wetland

c. The U.S. Fish and Wildlife Service has identified that the northern long-eared bat could potentially be in the area.

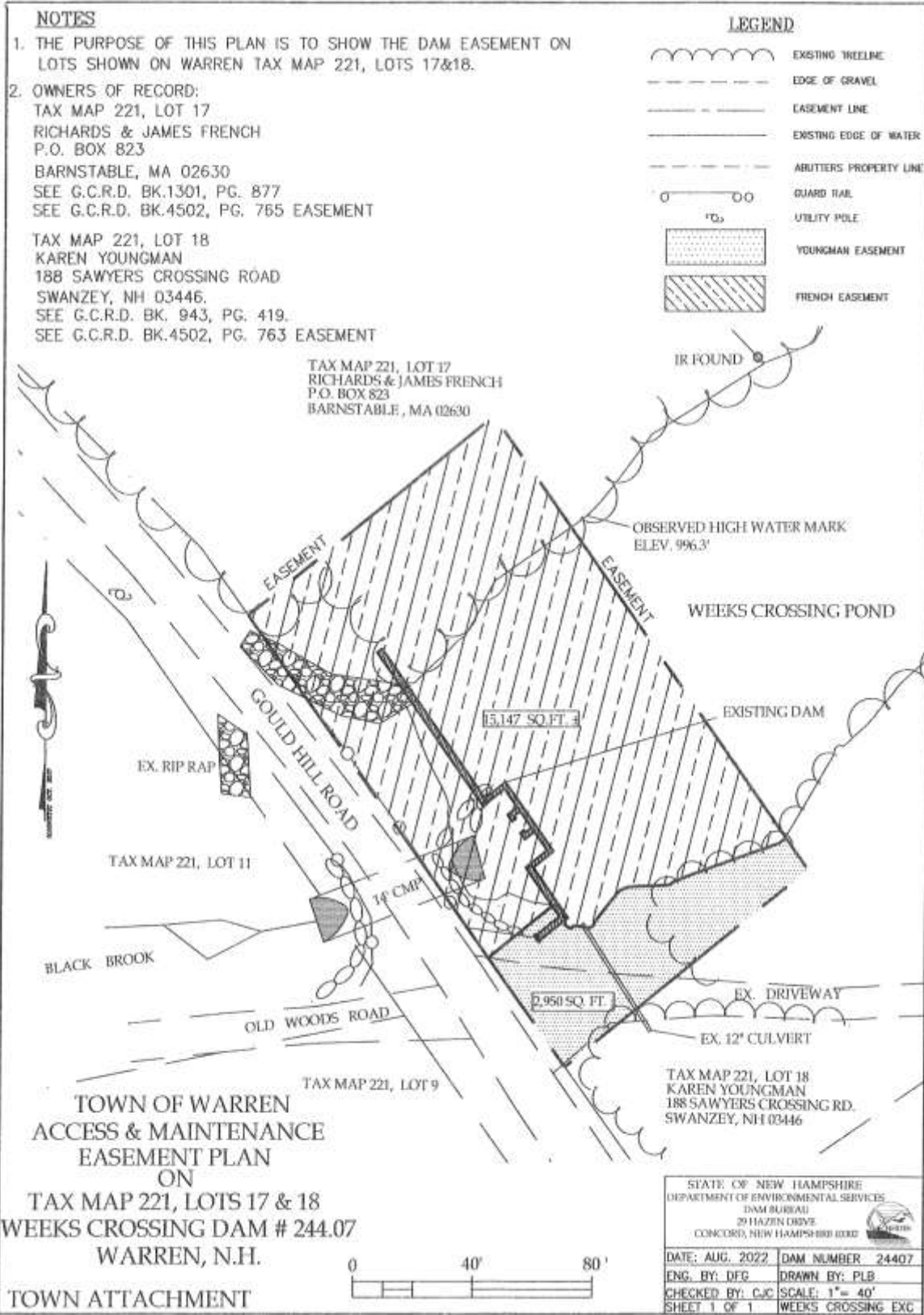
An Environmental Assessment performed by the Federal Emergency Management Agency determined that reconstruction and maintenance of the dam on the have no significant impact on the quality of the human environment on the property.

11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within the town.

- a. Warren tax map showing all abutters see page 4.
- b. NHFG general Fishing digest map see page 5.
- c. USGS Map page 6.
- d. Easement Plan by NHDES page 7
- e. Photos of dam area pages 8-11



USGS Map



Easement Plan by NHDES for the Town of Warren

Weeks Crossing Dam Photos



Photo 1: Weeks Crossing Dam looking northwest before failure. 7/2010



Photo 2: Looking northeast at failed Weeks dam and washed-out Gould Hill Road in 7/2017.



Photo 3: At repaired Gould Hill Road looking northeast at former Weeks Pond.



Photo 4: At repaired Gould Hill Road and culvert looking northwest 10/2018.



Photo 5: New Weeks Crossing dam looking southeast 11/2021.



Photo 6: New Weeks Crossing dam looking northeast at Pond 11/2021.



Photo 7: New Weeks Crossing dam looking northwest at pond 11/2021.



Photo 8: New Weeks Crossing dam looking southeast at road 11/2021.