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The Honorable Sharon Carson
Chair, Executive Departments & Administration Committee
Legislative Office Building, Room 101
107 North Main Street
Concord, NH 03301

Dear Senator Carson:

Thank you for this opportunity to register the Society for the Protection of New Hampshire Forests' opposition to SB 136, which would require approval of federal land acquisitions by the governor and executive council. We believe this legislation would undermine the private property rights of individual New Hampshire citizens by restricting their ability to sell property and property interests to a willing buyer. We would therefore urge you to vote this bill as Inexpedient to Legislate.

We have two primary concerns with the bill. First, an individual's right to buy, own, and sell property is a bedrock principle of our society. The restrictions established in SB 136 would serve as a form of eminent domain, through which the State of New Hampshire would be taking away fundamental property rights from individual citizens. Furthermore, for many Granite Staters, the decision to sell their property or property interests is one of the most personal and financially significant decisions they will make. They do not make this kind of decision easily. Most land trusts who work with these families can recount the years of careful planning that occur after the initial conversation with a landowner before a conservation easement or fee title sale is finally executed. SB 136 does not provide constructive support to landowners in this situation. Instead, it presents a barrier to the rights of those landowners who have made the decision that conserving their land is in the long-term best interests of not only the property but of their family and community.

Second, the bill's definition of acquisition to include "easements where the federal government is the primary holder of the easement" further undermines private property rights. As you know, when a landowner places a conservation easement on his/her property, the landowner continues to own the land. By prohibiting a landowner from entering into such an agreement with the federal government, the State has singled out that landowner for treatment to which another landowner is not subject. In our view, state policy should encourage the retention of conservation lands by private landowners, not discourage them from taking such steps.

The arguments in favor of SB 136 appear to be in response to federal land ownership activities in both the Silvio O. Conte and Umbagog National Wildlife Refuges and the perceived detrimental impacts to the communities in which those federal acquisitions have occurred. However, before we authorize greater powers to the State to intervene in a private citizen's ability to sell land, we would encourage state policy leaders to carefully consider if such a change is in line with the values we hold in New Hampshire.

Thank you again for this opportunity to offer this testimony.

Sincerely,

Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests