



New Hampshire Fish and Game Department

11 Hazen Drive, Concord, NH 03301-6500
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FAX (603) 271-1438
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July 2, 2013

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

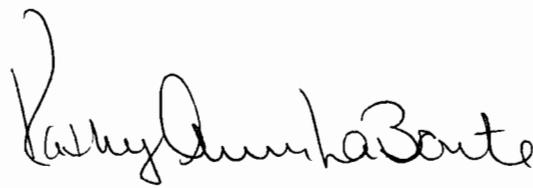
Pursuant to RSA 4:8, authorize the New Hampshire Fish and Game Department (NHFG) to accept a donation of 2.4 acres on the Connecticut River in Colebrook from Clyde Pond Holdings, LLC.

EXPLANATION

NHFG is seeking authority to accept a donation of 2.4 acres in Colebrook with 1020+/- feet of frontage on the Connecticut River to increase shoreline fishing opportunities in the area. This parcel, to be donated by Clyde Pond Holdings, LLC of Derby, Vermont abuts a 19.2 acre parcel already owned by NHFG and will increase our river frontage at that location to 3850 feet. The Fish and Game Commission voted to accept this donation at their November 21, 2012 meeting.

Respectfully submitted,


Glenn Normandeau
Executive Director


Kathy Ann LaBonte
Chief, Business Division



STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: June 28, 2013

FROM: Evan J. Mulholland
Assistant Attorney General

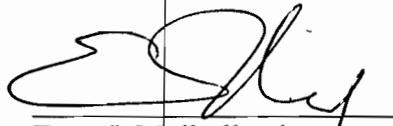
AT (OFFICE) Department of Justice
Environmental Protection Bureau

SUBJECT: 2.4 acre donation in Colebrook

TO: Richard Cook, Land Agent
Fish & Game Department

I have reviewed and I approve for form and substance the deed to the State from the Clyde Pond Holdings, LLC for the 2.4 acre parcel in Colebrook.

I will approve the deed for execution once it is signed.



Evan J. Mulholland

AGREEMENT
between
NEW HAMPSHIRE
FISH AND GAME DEPARTMENT
and
CLYDE POND HOLDINGS, LLC

THIS AGREEMENT entered into this ___ day of _____, 2013 between the New Hampshire Fish and Game Department with an address of 11 Hazen Drive, Concord, NH, 03301, hereinafter called the "STATE", acting by and through its Executive Director and Clyde Pond Holdings, LLC with a mailing address of 1329 VT. Route 111, Derby, VT, 05829, hereinafter called the "GRANTOR".

WITNESSETH, the GRANTOR hereby agrees to donate to the STATE fee title to a 2.4 acre parcel of land along the Connecticut River in the Town of Colebrook, County of Coos, State of New Hampshire as shown as Lot 2 on the Plan entitled "Connecticut River Driver's Trust Two Lot Riverfront Subdivision, Colebrook, Coos County, NH. Scale 1 inch = 100 feet, February 19, 1998" by F. W. Cowan & Sons Land Surveyor P.O. Box 383, Canaan, Vt., 0590. Said plan recorded at the Coos County Registry of Deeds as Plan #1149.

IN CONSIDERATION the STATE shall ensure that the parcel remains open to the public for shore-bank angling and other noncommercial, low-impact recreational uses.

The State shall have the right to terminate this agreement at any time it deems appropriate as the result of information ascertained during title work, and/or the hazardous waste assessment, which would render the parcel unacceptable for the purposes intended herein.

GRANTOR shall convey fee title to the STATE free and clear of all liens, rights of dower or other encumbrances (unless herein otherwise specified) by a good and sufficient deed of conveyance, in the usual form of warranty deed, except that if the GRANTOR conveys as executor, trustee, administrator or guardian, or in any trust capacity, the usual deed given in such cases shall be accepted. Said conveyance shall also be made subject to all restrictions, easements and conditions of record, if any.

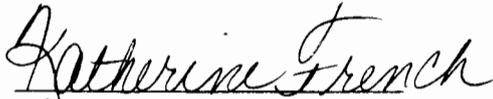
Transfer of property shall be delivered at a date mutually agreed upon by the parties hereto with said date occurring on or before _____.

ACQUISITION shall be accomplished in accordance with RSA 212:7 and New Hampshire Fish and Game Department Land Acquisition Policy and Procedures and is subject to approval by Governor and Executive Council.

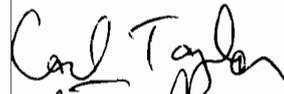
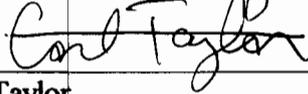
This AGREEMENT is binding on GRANTOR, heirs, successors, or assigns.

IN WITNESS WHEREOF, this Agreement has been duly authorized by the parties hereto as of the date first above written.

This document has been executed in duplicate



Witness


~~~~

Carl Taylor
Clyde Pond Holdings, LLC



Witness



Glenn Normandeau
Executive Director
State of New Hampshire
Fish and Game Department

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that CLYDE POND HOLDINGS, LLC, with a mailing address of 1329 VT RTE 111, Derby, Vermont, 05829 (Grantor), for consideration paid, grants to THE STATE OF NEW HAMPSHIRE acting by and through its FISH AND GAME DEPARTMENT, with an address of 11 Hazen Drive, Concord, County of Merrimack, State of New Hampshire 03301 (the State), the following:

A certain tract or parcel of land located in the Town of Colebrook, County of Coos, State of New Hampshire on the westerly side of U.S. Route 3 (Trooper Leslie, G. Lord Highway) as shown on a Plan entitled "Connecticut River Driver's Trust Two Lot Riverfront Subdivision, Colebrook, Coos County, NH. Scale 1 inch = 100 feet, February 19, 1998" by F. W. Cowan & Sons Land Surveyor P.O. Box 383, Canaan, Vt., 05903 on which plan the parcel herein conveyed is shown as Lot 2 and containing 2.4 acres+/- . For further description of the parcel herein conveyed see Exhibit "A" attached hereto and made part hereof. Said plan approved by the Colebrook Planning Board on April 7, 1998 as Subdivision Approval No. 537. Said plan recorded at the Coos County Registry of Deeds as Plan #1149.

Meaning and intending to convey the same premises described in the Trustee Deed of Edmond J. Ford as Chapter 7 Trustee for the Bankruptcy Estate of John W. Groesser & Elizabeth Groesser, Bankruptcy No. 11-11047-JMD, in the United States Bankruptcy Court for the District of New Hampshire, pursuant to an Order of the United States Bankruptcy Court for the District of New Hampshire dated September 28, 2011 to Clyde Pond Holdings, LLC dated October 20, 2011 and recorded in the Coos County Registry of Deeds in Book1337, Page 204

Also conveyed herewith as shown on Plan #1149, for the benefit of the herein conveyed premises is a right-of-way over Lot 1 as excepted and reserved in that deed from the Connecticut River Driver's Trust to Society for the Protection of New Hampshire Forests, dated May27, 1998, recorded in the Coos County Registry of Deeds, Book 894, Page 594

SELLERS:

CLYDE POND HOLDINGS, LLC

Carl Taylor, _____
Title

STATE OF _____
COUNTY OF _____

I, hereby certify that Carl Taylor, personally appeared before me on this
____ day of _____, 2013, (known to me or satisfactorily proven) to be the persons
described in the foregoing instrument and acknowledged that he executed the same in the
capacity therein stated and for the purpose therein contained.

Notary Public/Justice of the Peace
My Commission Expires:

ACCEPTED: STATE OF NEW HAMPSHIRE, FISH & GAME DEPARTMENT

The State of New Hampshire, acting through its Fish and Game Department on this day ____ of _____, 2013.

Glenn Normandeau, Executive Director

STATE OF NEW HAMPSHIRE
COUNTY OF _____

Personally appeared before me on this ____ day of _____, 2013, Glenn Normandeau, who acknowledges himself to be the Executive Director for the New Hampshire Fish and Game Department, and as such is duly authorized to executed the foregoing instrument for the purposes therein contained, by signing his name on behalf of the State of New Hampshire.

Notary Public/Justice of the Peace
My Commission Expires:

Approved as to form, substance, and execution on this ____ day of _____, 2013.

Evan Mulholland
Assistant Attorney General

Approved by the Governor and Executive Council: _____, Item _____.

Exhibit A

Connecticut River Driver's Trust
Two Lot Riverfront Subdivision

In the Town of Colebrook, County of Coos and State of New Hampshire, a certain piece or parcel of land bounded on the westerly side by the Connecticut River and easterly by the railroad right-of-way formerly of Maine Central Railroad Co. and now of the State of New Hampshire and bounded northerly and easterly by Lot one of the herein described Two Lot Riverfront Subdivision, and bounded southerly by other lands.

Beginning at a point on the westerly sideline of the above mentioned railroad right-of-way marked by an iron rod (set), said point of beginning being approximately S 6° 15' W and 785 feet from the rest area building that is located on the east side of Us Route 3 northerly of Colebrook Village, said point also being the southeasterly corner of the above mentioned Lot 1.

Thence running S15°34'30"E along the westerly sideline of the above mentioned railroad right-of-way for 198.08 feet to a point;

Thence continuing along said railroad right-of way on a curve to the left with a radius of 1688.23 feet, a central angle of 7°55'49", for an arc distance of 233.66 feet, the chord bearing is 19°08'30"E, for a chord distance of 233.48 feet, to a point;

Thence S22°25'58"E along said right-of-way for 126.76 feet, to a point;

Thence S24°06'27"E along said right-of-way for 225.75 feet to a point marked by an iron rod (set) at the base of a large clump of silver maples and a barbed wire fence line, said point being the southeasterly corner of the herein described Lot 2;

Thence turning and running S71°25'44"W for a distance of 85.29 feet to a iron rod (set) thence continuing on the same bearing 18 feet, more or less, to the easterly shoreline of the Connecticut River;

Thence turning and running northerly along the easterly shoreline of the Connecticut River for approximately 1020 feet, more or less, to an unmarked point being northwesterly corner of the herein described Lot 2 and the southwesterly corner of Lot 1;

Thence turning and running N68°05'11"E along Lot 1 of the herein described subdivision for approximately 20 feet, more or less, to a point marked by an iron rod set, the straight line bearing and distance between the last two mentioned iron rods (set) being N19°34'09"W and 1001.38 feet;

Thence continuing N68°05'11"E along Lot 1 for 66.42 feet to a point marked by an iron rod (set), said point being the northeasterly corner of the herein described Lot 2

Thence turning and running S13°42'04"E along Lot 1 for 221.75 feet to a point marked by an iron rod (set), said point being the southwesterly corner of Lot 1;

Thence turning and running N74°23'22"E along Lot 1 for 33.01 feet to the point of beginning.

The above described Lot 2 contains 2.4 acres, more or less, and all as shown on a certain plan entitled "*Connecticut River Driver's Trust Two Lot Riverfront Subdivision*, Colebrook, Coos County, NH. Scale 1 inch = 100 feet, February 19, 1998" prepared for Richard Feltham (Trustee) by F. W. Cowan & Sons Land Surveyor P.O. Box 383, Canaan, Vt., 05903

STATE OF VERMONT
OFFICE OF SECRETARY OF STATE

Certificate of Good Standing

I, James C. Condos, Vermont Secretary of State, do hereby certify that
according to the records of this office

CLYDE POND HOLDINGS, LLC

a limited liability company formed under the laws of the State of Vermont

was filed for record in this office on August 21, 2003

I further certify that the company has perpetual duration, that its most recent annual report
is on file, and that as of this date, articles of termination have not been filed.

June 19, 2013

Given under my hand and the seal
of the State of Vermont, at
Montpelier, the State Capital

James C. Condos

James C. Condos
Secretary of State



CLYDE POND HOLDINGS, LLC

1329 VT RTE 111
DERBY, VT 05829
802-766-2817

LLC Certification of Authority

I, Carl G. Taylor (name) hereby certify that I am a (choose one: Member / Manager) of Clyde Pond Holdings (name of LLC), a limited liability company.

I certify that I am authorized to bind the LLC.

I further certify that it is understood that the State of New Hampshire will rely on this certificate as evidence that I currently occupy the position indicated and that I have full authority to bind the LLC.

Signed: Carl G. Taylor

Date: 6/12/13

State of Vermont, County of Orleans

On this the 19th day of June 2013, before me Katherine French, the undersigned officer, personally appeared Carl G. Taylor, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

NOVEMBER 21, 2012 COMMISSION MEETING

Meeting Location: NH Fish & Game Department, 11 Hazen Drive, Concord, NH 03301

Commissioners Present: D. Patch, J. Ryan, T. Hubert, R. Blake, T. Tichy, E. Orff, W. Morse, J. McGonagle, F. Clews, and S. Guaraldi.

Commissioners absent/excused: R. Phillipson

Executive Director Normandeau - Present

Chairman Hubert called the meeting to order at 11:00 a.m., and asked the audience to join in the pledge of allegiance. He informed the audience that the public is entitled to attend all Commission meetings and when recognized by the chairman, the public may speak on any item on the agenda. The Chair reserves the right to limit comment to the extent necessary for the orderly conduct of the meeting.

ACTION ITEMS:

1.) Commissioner McGonagle moved to approve the October 17, 2012 Commission Minutes as written and Commissioner Guaraldi seconded. The vote was unanimous in the affirmative.

2.) Consent Agenda - The following items were grouped together and noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission was asked to vote to approve these matters as presented. Commission members have the option to remove certain items if further public input or discussion is deemed necessary.

Commissioner Tichy moved to approve the below consent agenda items as presented and Commissioner Ryan seconded. The vote was unanimous in the affirmative.

2a.) Commission accepted the donation of \$100.00 from Suzanne Young & Kenneth Kiel of Conway, NH, for assistance they received on Mt. Passaconaway in Waterville Valley, to be deposited into the Search & Rescue Account.

2b.) Commission accepted the donation of \$25.00 from Margarete Frazier to the Hunter Education Program, in memory of Leo Ellis Sr., avid hunter & fishermen.

2c.) Commission accepted the donation of two mounts (rainbow trout & northern pike) from Jacques Renaud, Dalton, NH, to be displayed at the Region 1 Fish & Game Office.

→ 2d.) Commission accepted the donation of 2.4 acres of land along the Connecticut River in Colebrook, NH., from Carl Taylor.

2e.) Commission accepted the donation of \$1,000 from Jed & Meriam Einhorn, Lakewood, New Jersey, for assistance they received on the Old Bridle Path in Franconia, NH.

2f.) Commission accepted the donation of \$250.00 from Al & Lori Menard, to be utilized by the Owl Brook Hunter Education Center in Holderness, NH.

3.) Commissioner Guaraldi moved to approve utilizing up to \$2,500 from the "Sale of Fish Food Account" to install a new flatbed on a new stocking truck for use by the New Hampton Hatchery and Commissioner Tichy seconded. The vote was unanimous in the affirmative.

4.) After a presentation by Charlie Bridges, Habitat & Diversity Coordinator, and Scott Decker, Fisheries Program Supervisor, Commissioner Blake moved to approve the expenditure of \$100,000 & \$50,000 from the Fisheries & Wildlife Habitat Accounts toward the acquisition of 934± acres including the Greenough Ponds and Commissioner McGonagle seconded.

Commissioner Tichy reminded staff of the \$7,500 limit when requesting to expend monies with a 1 months notice requirement in order to allow the Commission time to adequately research & review the items prior to voting on them.

Commissioner Guaraldi reiterated Commissioner Tichy's comments and the desire to have a months notice prior to voting on these requests. The vote was unanimous in the affirmative.

5.) Doug Grout, Chief, Marine Division, came before the Commission requesting approval of the final proposal for rulemaking to modify rules for marine aquaculture & shad rules for inland waters.

After discussion, Commissioner Blake moved to approve the final proposal for rulemaking to modify rules for marine aquaculture and Commissioner McGonagle seconded. The vote was unanimous in the affirmative.

Commissioner Blake moved to approve rulemaking for shad in inland waters and Commissioner Ryan seconded. The vote was unanimous in the affirmative.

INFORMATION ITEMS:

Item #2 was heard out of sequence due to time constraints.

2.) Doug provided an overview of amendments to the Atlantic States Marine Fisheries Management plans for a variety of rules.

1.) Kathy LaBonte, Chief, Business Division, provided the monthly financial statement. (See Attached)

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