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STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION OF FORESTS AND LANDS  
172 Pembroke Road, Concord, New Hampshire 03301

603-271-2214  
FAX: 603-271-6488  
www.nhdf.org

May 26, 2016

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

**REQUESTED ACTION**

Pursuant to RSA 227-H:3, authorize the Department of Resources and Economic Development to accept a building and equipment, at an estimated appraised value of \$106,344, located at Miller State Park in Peterborough from the Federal Aviation Administration (FAA) in accordance with the attached "Lease Termination & Ownership Transfer" document upon Governor and Executive Council approval. No State Funds.

**EXPLANATION**

The Department of Resources and Economic Development (DRED) through the Division of Forests and Lands has leased property to the FAA at Miller State Park for many years. The FAA has improved the site with a small fenced in area which includes a building valued at \$38,644, a tower valued at \$5,300, a standby generator valued at \$25,000, and a propane storage tank valued at \$37,400. The FAA is now leaving Miller State Park and has agreed to transfer ownership of their building and equipment to the State in lieu of site restoration.

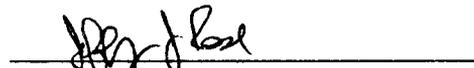
An Environmental Due Diligence Audit conducted for the FAA has found no recognizable environmental conditions at the site. DRED has also inspected the site and has no concerns. There are currently two other Federal tenants leasing sites at Miller State Park that intend to stay, and another private entity has already expressed interest in the FAA's site.

The Attorney General's office has reviewed and approved the Lease Termination & Ownership Transfer document as to form, substance and execution.

Respectfully submitted,

Concurred,

  
Brad W. Simpkins  
Director

  
Jeffrey J. Rose  
Commissioner

wc/BWS/JJR  
Attachments



|   |  |  |
|---|--|--|
| <b>U.S. Department of Transportation<br/>Federal Aviation Administration</b><br><br><b>LEASE TERMINATION &amp; OWNERSHIP TRANSFER</b> | <b>SUPPLEMENTAL<br/>AGREEMENT No. 1</b><br><br><b>TO : DTFANE-08-L-00008</b> | <b>DATE</b><br><br><i>May 19, 2016</i> |
|---|--|--|

**ADDRESS OF PREMISES:**

RCL – Pack Monadnock at Miller State Park, Peterborough, N.H

**THIS AGREEMENT**, made and entered into this date by and between the STATE OF NEW HAMPSHSIRE, acting through its Department of Resources and Economic Development whose address is 172 Pembroke Road, Concord, New Hampshire, 03301 hereinafter called the Lessor, and the UNITED STATES OF AMERICA hereinafter called the Government;

**WHEREAS**, under Lease No. DTFANE-08-L-00008 (“The Lease”) the Lessor granted the Government certain real property interests to Lessor’s property at Pack Monadnock, Miller State Park, Peterborough, New Hampshire for the installation and operation of a Radio Communications Link (RCL) facility; and

**WHEREAS**, The parties desire to terminate the above Lease and transfer ownership of equipment and facilities described in paragraph 1 below; and

**WHEREAS**, the Government decommissioned its RCL facility at this site in July 2013, and has been a holdover tenant since September 30, 2013, and is current in paying its rent of \$2500.00 per year through September 30, 2016; and

**WHEREAS**, the Government has no need for the property described in paragraph 1 below and the Lessor has expressed an interest in obtaining full and final ownership of said property; and

**WHEREAS**, the Government approved an Environmental Due Diligence Audit (EDDA) on November 13, 2015, which determined that there were no “ recognized environmental conditions” per ASTM E1527-05 definition, found at the site; and

**WHEREAS**, 49 United States Code 40110 (a) (3) grants the Federal Aviation Authority (FAA) the authority to dispose of an interest in the property for adequate consideration.

**NOW THEREFORE**, these parties for the consideration hereinafter mentioned covenant and agree that said Lease is terminated and ownership of equipment and facilities is transferred as follows:

1. Effective \_\_\_\_\_, 2016, full ownership and maintenance responsibility for the Government’s equipment and facilities listed below is transferred at no cost, as is, to the Lessor in lieu of site restoration:

- a. Standby Engine Generator;
- b. Steel 40 foot Antenna Tower;
- c. Navaid Masonry Building;
- d. Chain Link Fence;
- e. Above Ground Propane Fuel Storage Tank; and f. Digital Multimeter

2. Upon acceptance of this agreement by the Lessor, it is agreed that the Government's restoration responsibility, as stated in Article VII © of the above mentioned Lease and Paragraph 13 of Lessor's Special Use Permit, dated September 4, 2007, (expiration date September 30, 2013) is fully satisfied.

3. The Government assumes no liability for damages or personal injury, illness, disability to the Lessor or to Lessor's successors, assigns, employees, invitees or any other person subject to the Lessor's control or direction, or to any other person, including members of the general public arising from incident to the purchase, transportation, removal, handling use, disposition, or other activity causing or leading to contact of any kind whatsoever with lead-based paint on the property which is the subject of this transfer, whether the State, its successors or assigns has or have properly warned or failed to properly warn the individual (s) injured.

4. Effective upon transfer of the above mentioned property to the State of New Hampshire the subject Lease between Lessor and the Government will terminate.

IN WITNESS WHEREOF, the parties subscribed their names as of the above date,

LESSOR: State of New Hampshire, Department of Resources and Economic Development

BY \_\_\_\_\_

Jeffrey J. Rose *Jeffrey J. Rose*

Commissioner

THE STATE OF NEW HAMPSHIRE COUNTY OF MERRIMACK

The foregoing instrument was acknowledged before me this 26 day of May 2016, by

Jeffrey J. Rose, in his capacity as Commissioner of the Department of Resources and Economic Development.

*Linda F. Corriveau*

NOTARY PUBLIC/JUSTICE OF PEACE

My Commission expires: LINDA F. CORRIVEAU, Notary Public  
My Commission Expires September 3, 2019

UNITED STATES OF AMERICA

BY *Marilyn Staci Cook*

(Signature)

Real Estate Contracting Officer

(Official Title)

## Carpenter, William

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**From:** gail.cook@faa.gov  
**Sent:** Friday, May 20, 2016 8:17 AM  
**To:** Carpenter, William  
**Subject:** FW: Final Draft of Ownership Transfer for Pack Monadnock -RCL - Peterborough, N.H.

Bill;

See below...

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**From:** Butler, Jennifer (FAA)  
**Sent:** Friday, May 20, 2016 8:11 AM  
**To:** Cook, Gail (FAA)  
**Subject:** FW: Final Draft of Ownership Transfer for Pack Monadnock -RCL - Peterborough, N.H.

This is what I gave Amy on the Values.

*Jennifer Butler*

Program Management Analyst- ALO610-Boston Office  
12 New England Executive Park  
Burlington, MA 01803  
Phone: (781) 238-7678  
Fax: (781) 238-7654

"Access the customer survey feedback website to let us know how we're doing in meeting your needs/requirements."  
<http://intranet.fm.faa.gov/feedback/?type=rp&rs=ASO-050&lob=ARC&area=ESA>

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**From:** Butler, Jennifer (FAA)  
**Sent:** Monday, May 02, 2016 1:42 PM  
**To:** Creador, Amy R (FAA)  
**Subject:** RE: Final Draft of Ownership Transfer for Pack Monadnock -RCL - Peterborough, N.H.

Here are the approximate values for the items on the Transfer Document.

|     |            |                           |              |           |
|-----|------------|---------------------------|--------------|-----------|
| QE5 | FAA1056667 | BLDG.CMU.COMM.14'-8x26'   | \$ 38,644.00 | 7/1/1964  |
| QE5 | FAA1207592 | ANTENNA TOWER STEEL 40 FT | \$ 5,300.00  | 7/1/1964  |
| QE5 | FAA1207592 | FENCE CHAIN LINK          | \$ 238.00    | 2/1/1969  |
| QE5 | FAA1276069 | FUEL STORAGE TANK         | 37,400.00    | 9/11/2001 |
| QE5 | FAA1888137 | STANBY ENGINE GENERATOR   | 25,000.00    | 5/7/2001  |

*Jennifer Butler*

Program Management Analyst- ALO610-Boston Office  
12 New England Executive Park  
Burlington, MA 01803  
Phone: (781) 238-7678  
Fax: (781) 238-7654

|  |   |  |
|--|---|--|
| <b>CLEARANCE RECORD</b><br>(See Instructions on Reverse) | <b>KIND OF DOCUMENT</b><br>Environmental Due Diligence Audit (EDDA) | <b>IDENTIFICATION (if any)</b><br>QES RCLR |
| <b>SUBJECT</b><br>QES RCLR, Peterborough, NH             | <b>PERSON MOST FAMILIAR WITH ATTACHED</b><br>Elizabeth Moses        |  |
|  | <b>ROUTING SYMBOL</b><br>AJV-E31                                    | <b>TELEPHONE</b><br>404-389-8171           |

**REASON FOR ATTACHED WHAT DOES IT DO?** (Continue on reverse)  
Real Estate transaction for the disposal of FAA owned/leased property.

Having exercised due diligence and made all appropriate inquiry with good commercial and customary practice in the conduct of an environmental site assessment of the subject property as set forth in American Society for Testing and Materials (ASTM) Standard E1527-05 and FAA 1050.19B, no recognized environmental conditions have been identified.

This EDDA is for the QES RCLR. The site once had two USTs. They were removed in 1994 and 1995 with no evidence of contamination. All asbestos was removed from the site and is documented in Appendix B of the report. The site contains a small masonry building, an engine generator, a propane tank, a chain link fence and a metal tower as well as a concrete foundation for a building that has been demolished. A Supplemental Agreement to the lease dated Aug 1, 2014 transfers ownership and maintenance of all of these structures including the generator and tank to the State of New Hampshire in lieu of restoration. This Supplemental Agreement also states that the Government assumes no liability for the lead-based paint on the building that the State of New Hampshire has been made aware of. The lease and Supplemental Agreement are in Appendix C of the report. The transformer that is just outside the property is the property of the Public Service Company of New Hampshire and was labeled as "No PCBs". There were no Recognized Environmental Conditions found at the site. Upon termination of the lease the property will be released to the State of New Hampshire.

**PROPOSED DISTRIBUTION (Spell out - do not use code)**  
After Approval Send / Call **Elizabeth Moses 404-389-8171** 305-7214

| ORIGINATING OFFICE CLEARANCE |      |                |            |   |          |                       |                         |
|------------------------------|------|----------------|------------|---|----------|-----------------------|-------------------------|
| ROUTING SYMBOL               | INIT | Routing Symbol | Date       | SIGNATURE AND ROUTING SYMBOL  | DATE     | OFFICE FORMS APPROVAL | OFFICE REPORTS APPROVAL |
|                              |      | AJV-E31        | 10/22/2015 | <br>Elizabeth Moses, Environmental Protection Specialist, Planning and Requirements |          |                       |                         |
|                              |      | AJV-E31        | 11/2/15    | <br>Patti Tilson, Team Manager, EOSH, Security, FCT                                 | 11/2/15  |                       |                         |
|                              |      | AJV-E3         | 11/4/15    | <br>Ryan Almasy, Manager, Planning and Requirements                                 | 11/4/15  |                       |                         |
|                              |      | AJV-E          |            | <br>William Alexander, Director, Eastern Service Center                             | 11/10/15 |                       |                         |

| CLEARANCE ROUTING                    |                    |                |          |  |          | DEADLINE DATE                       |                  |                             |                               |
|--------------------------------------|--------------------|----------------|----------|--|----------|-------------------------------------|------------------|-----------------------------|-------------------------------|
| ROUTING SYMBOL                       | INTERNAL CLEARANCE |                |          | SIGNATURE AND ROUTING SYMBOL   | DATE     | CONCUR Substance & Distribution     |                  | NON-CONCUR Comment Attached | COMMENT ACCEPTED CHANGES MADE |
|                                      | INIT               | ROUTING SYMBOL | DATE     |  |          | No Comment                          | Comment Attached |                             |                               |
| AGC 620                              | KHS                |                | 10/22/15 | <br>Kendolyn Hodges-Simons   | 10/22/15 | <input checked="" type="checkbox"/> |                  |                             |                               |
| FINAL ADMINISTRATIVE CLEARANCE       |                    |                |          |  |          |                                     |                  |                             |                               |
| FINAL APPROVAL (Authorizing Release) |                    |                |          | Mary Sherer<br>Director, Eastern Service Area for Technical Operations |          | DATE APPROVED<br>11/13/15           |                  |                             |                               |

AFTER APPROVAL SEND TO: Elizabeth Moses, AJV E31, 404-389-8171  
FAA Form 1300-2(10/82)

## EXECUTIVE SUMMARY

This report presents the results of an Environmental Due Diligence Audit (EDDA) for the QE5 Radio Communications Link Repeater (RCLR) and associated property (the Site) located on Pack Monadnock Mountain in Peterborough, New Hampshire.

To complete the EDDA, the John A. Volpe National Transportation Systems Center (Volpe) reviewed historical documents, photographs, maps, and government records; interviewed those with knowledge of the Site; reviewed a regulatory database search report; and conducted a reconnaissance visit and visual survey of the Site.

The Site consists of approximately 0.06 acres of steeply sloping land near the summit of Pack Monadnock Mountain in Miller State Park, east of the village of Peterborough, NH. The Site was leased from the State of New Hampshire and developed by FAA between 1957 and 1960. The Site is surrounded by forest on three sides and abutted by a paved summit access road on the east.

As of October 29, 2014, the Site had been terraced into two level areas. The upper terrace was gravel-filled and contained a metal tower, an aboveground propane tank, and a small masonry building on a concrete slab, all contained within a chain link fence. The lower terrace contained the remnants of a concrete building pad. Both terraces were retained by concrete walls or stone walls. The two-room masonry building contained a propane-fueled engine generator and a bank of electronics operated by the National Weather Service, an FAA tenant.

No interior or exterior stains, stressed vegetation, or other indicators of possible releases of petroleum or hazardous materials were observed at the Site. A pole-mounted transformer, labeled "No PCBs," was observed at the south edge of the Site.

No visual evidence of current or past presence of underground storage tanks (USTs) was observed; an aboveground propane tank supplied fuel to the engine generator. FAA and state records indicate that each terrace formerly contained a 500-gallon gasoline UST. The tanks were removed in the mid-1990s and no contamination was detected in Site soil at the time of removal. No formal tank removal reports were found during the investigation. NH DES has no records of releases of petroleum or hazardous materials at properties near the Site. All asbestos-containing material has been removed from the Site.

It is Volpe's opinion that no recognized environmental conditions<sup>1</sup> are present at the Site and that FAA may release the property back to the State of New Hampshire upon termination of the lease permit.

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<sup>1</sup> "Recognized environmental conditions means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property." ASTM E1527-05.

# Miller summit



## Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes
- Local Roads
- NH 2015 1-foot RGB

Map Scale

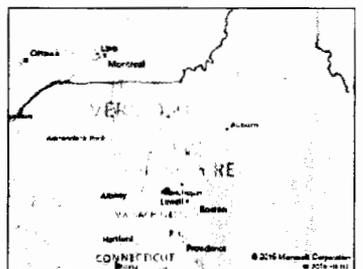
1: 1,749



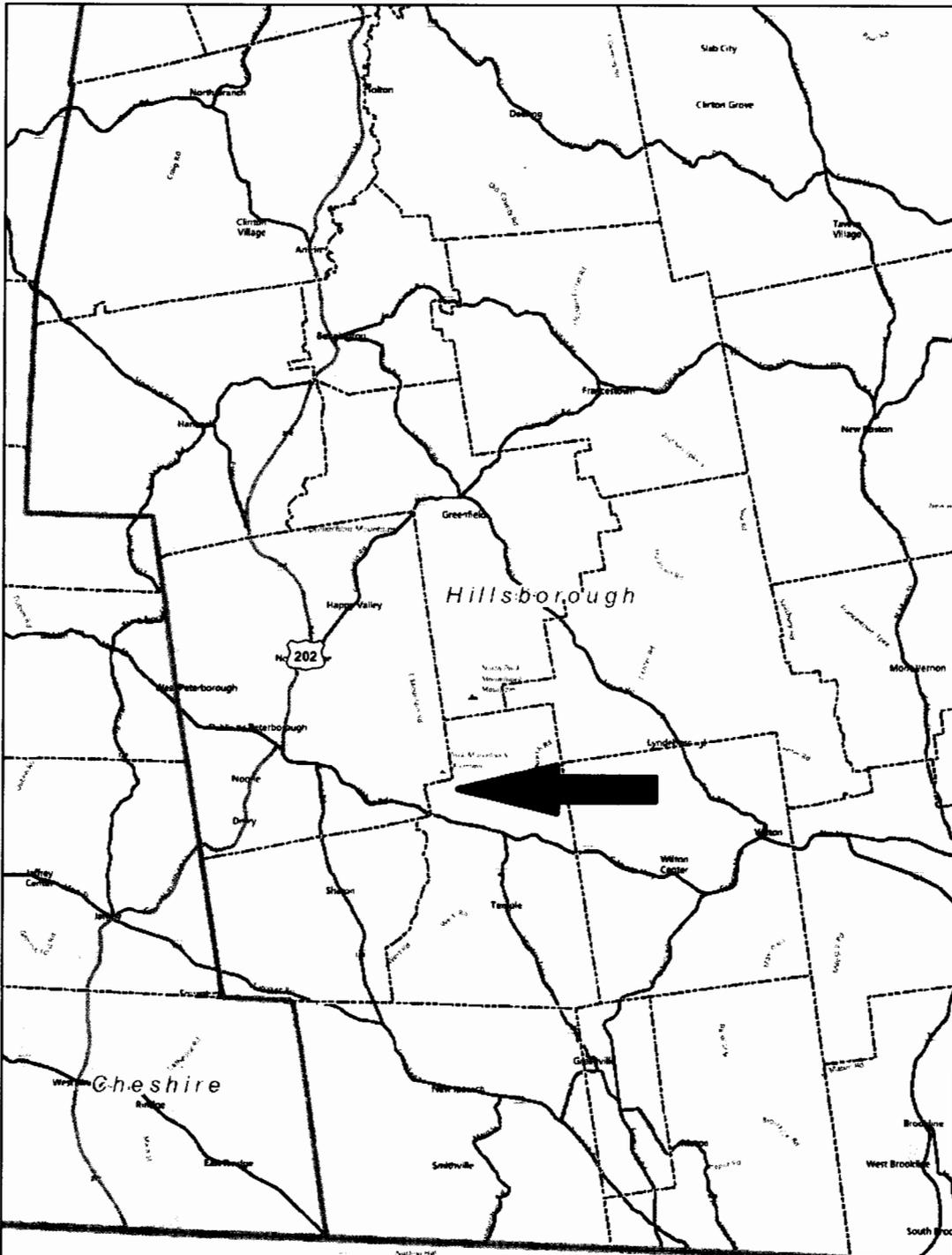
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Map Generated: 5/3/2016

## Notes



# millers sp



## Legend

- State
- County
- City/Town
- Interstates
- Turnpikes
- US Routes
- State Routes

Map Scale

1: 224,873



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Map Generated: 5/3/2016

## Notes

