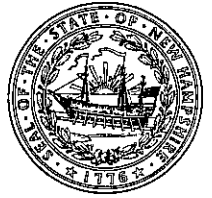




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

May 21, 2009

The Honorable Martha Fuller Clark, Chair  
Senate Energy, Environment & Economic Development Committee  
Legislative Office Building Room 102  
Concord, New Hampshire 03301

Re: HB 130, an act relative to enforceability of publicly-owned land restrictions

Dear Senator Fuller Clark:

Thank you for the opportunity to comment on HB 130, relative to enforceability of publicly-owned land restrictions. The Department of Environmental Services supports this bill.

The State of New Hampshire and its political subdivisions frequently allow owners of private property to impose restrictions on their land or to convey land subject to restrictions, for example in the context of applying for a permit to develop other property, to settle a dispute, or to allow limited use of land that was previously contaminated. Such restrictions can provide significant public benefit. Despite the accepted use of such restrictions, some have suggested that the restrictions may not be enforceable against future owners of the property. Passage of this bill would settle the issue of enforceability and allow the government and property owners to work together to promote mutual interests without any cloud of uncertainty.

Thank you again for the opportunity to comment in support of this bill. If you have any questions, please call me or Assistant Commissioner Mike Walls at 271-3449.

Sincerely,

*Michael Walls, Ass't Comm.*  
for Thomas S. Burack  
Commissioner

cc: Representative Kappler  
Representative Tupper  
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau