



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856  
PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: [nhparks@dred.state.nh.us](mailto:nhparks@dred.state.nh.us)  
WEB: [www.nhstateparks.org](http://www.nhstateparks.org)

April 26, 2012

The Honorable Bob Odell, Chairman  
and Members of the Energy and Natural Resources Committee  
NH State House, Room 102  
Concord, NH 03301

**RE: HB 1140 An act relative to the care of war memorials in Franconia Notch state park.**

Dear Chairman Odell and Members of the Committee,

Thank you for the opportunity to provide testimony on House Bill 1140 that would establish the standards of care for war memorials in Franconia Notch State Park. The Department of Resources and Economic Development (DRED), Division of Parks and Recreation (Division) supports the intent of this bill that would protect the integrity of the park's designation as a memorial to veterans however, we have significant concerns about certain aspects of the bill that would effectively prohibit any and all activity at all historic sites within the entire state park system.

As you know, Franconia Notch Forest Reservation and State Park was dedicated as a memorial to the men and women of New Hampshire who have served the nation in times of war, pursuant to Chapter 260, Laws of 1925. In the 2011 legislative session, HB 33 relative to the preservation and care of the Franconia Notch Forest Reservation and Memorial Park was introduced and amended by both legislative houses, but was never signed off in Conference Committee. That bill included components we find in HB 1140, which the Division supports. Specifically, we testified in support of and offered to place appropriate signage at the entrances to and within Franconia Notch State Park pertaining to the veterans' memorial.

With respect to HB 1140, we offer to collaborate with the Department of Transportation (DOT) for signage along the Parkway (subsection I, lines 6-8); however, the final determination pertaining to highway signage rests with DOT. The Division also offers to work with interested veterans groups who may aid in enhancing and maintaining war memorial sites through the Division's Adopt-a-Park program (subsection I, lines 8-10).

As a point of information, the Division does not currently charge fees to hike or bicycle the trails at Franconia Notch State Park, nor to use the parking facilities there (subsection I, lines 10-12). Should fees be charged in the future, the provisions in this bill would impact park revenues, but the extent is indeterminable. We do rent bicycles for use on the park's Recreational Trail, and note that this bill would enable us to continue to charge for such amenities (subsection II, lines 15-16).

The Division has significant concerns over the bill's first provision in subsection II, lines 13-15, which states that "no activity or lease in the state park system shall result in any disturbance of a veterans' burial site, war memorial, or designated historic site, nor shall any lease provisions cause such sites or memorials to be restricted to the general public" (subsection II, lines 13-15) and, as currently written, cannot support this section of the bill. The provision is too far reaching in its plain

interpretation, and would prohibit all activity in the entire state park system that would cause any disturbance of a war memorial or historic site, and would prohibit the placement of any restriction to public access to such sites.

To illustrate our concern, the Division engages in restoration or repair activities that may temporarily disturb a memorial or historic site, but provides for the long-term benefit and stewardship of that site or historic resource, such as the site drainage project at the Wentworth Coolidge Mansion. Additionally, the Division may enter into a lease with a municipality or friends group for the operation of a historic site, which, through seasonal periods of operations and operating hours, would seasonally restrict general public access to the site, such as at the Franklin Pierce Homestead. Also, the Division recently restricted access to its parks in the interest of public safety to prepare for Hurricane Irene. Finally and most notably, because the 1925 law dedicated the entirety of Franconia Notch Forest Reservation and State Park as a veterans memorial, this bill would prohibit all ground disturbing activities within Franconia Notch State Park, such as the installation of signage, the construction of hiking trails, the replacement of snowmaking equipment, and the completion of the Old Man of the Mountain memorial.

Further, the Division is concerned about subsection II, lines 16-19, which provides for state agency retention of supervisory and managerial responsibilities relative to Franconia Notch State Park and surroundings. Please consider that we are party to many public-private partnership agreements, such as with the New England Ski Museum, AMC's operation of Lonesome Lake Hut, administrative management of the Appalachian Trail, and habitat conservation for the Bicknell Thrush.

As written, the disturbance restriction applies to the entire state park system. If the intention of subsection II, lines 16-19 that allows the agency to provide supervisory and managerial responsibilities was intended to provide an exemption to the disturbance clause, it should be noted that, as currently written, this exemption only applies to Franconia Notch State Park and does not apply to the entire state park system.

We are greatly concerned about the potential implications of this bill overall, and although there is much in HB 1140 that the Division could accommodate, we suggest striking the first statement of subsection II, lines 13-15 in its entirety and revising lines 16-19 to include any contracted entity with managerial or operational responsibilities. Please see the attached proposed amendment to HB 1140. Thank you for considering this testimony.

Sincerely,



Philip A. Bryce  
Director

Attachment: Proposed amendment to HB 1140

C: George M. Bald, Commissioner