



# New Hampshire Fish and Game Department

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Stephanie L. Simek, Ph.D.  
Executive Director

65

April 10, 2025

Her Excellency, Governor Kelly A. Ayotte  
And the Honorable Council  
State House  
Concord, NH 03301

## REQUESTED ACTION

The New Hampshire Fish and Game Department (NHFG), pursuant to RSA 4:29, respectfully requests the approval of the relocation and modification of a State-owned parking area easement over property owned by LCJ Holdings, LLC, that provides parking access to the State-owned Pemigewasset Wildlife Management Area, Campton, NH. There is no funding requested.

## EXPLANATION

In 1988, the State acquired 81.8 acres from Cersosimo Lumber Company through the Land Conservation Investment Program (LCIP). The property is now known as the Pemigewasset Wildlife Management Area (Pemi WMA). The Pemi WMA was an orphaned tract created on the west side of I-93 when the highway was built through the Towns of Campton and Thornton. Legal public access was created on the east side of I-93 across agricultural fields, continuing under the I-93 bridge that spans the Pemigewasset River, to the boundary of the Pemi WMA.

In 2000, the access across the agricultural fields was relocated to accommodate the construction of Owls Nest Resort golf course. At that time, NHFG negotiated and obtained two separate right-of-way easements, referred to herein as access easements: one for public access (Public AE); and one for NHFG habitat maintenance of the Pemi WMA (Maintenance AE).

NHFG regularly maintains the fields on the Pemi WMA for habitat, brush-hogging the fields on a rotational basis every few years. In July 2016, NHFG personnel witnessed alterations made to the Owls Nest Resort golf course, and more specifically to the location of the Maintenance AE the Department uses to access the Pemi WMA with the tractor and mower. These changes were done without notification or approval from NHFG. In addition, the Department was made aware of the obstruction of the public parking area reserved for NHFG.

Discussions between LCJ Holdings, the current landowner, and NHFG resulted in a mutually agreed upon relocation of both the Public AE, Maintenance AE and the parking area memorialized in an Easement Relocation Agreement and Amendment approved by G&C in June 2022 and recorded at the County Registry. However, a dispute with the Homeowners Association (HOA) at Owl's Nest prevented construction of the parking area in the agreed upon location. As a result, NHFG and LCJ Land Holdings negotiated an alternative location for the parking area.

Her Excellency, Governor Kelly A. Ayotte

And the Honorable Council

February 13, 2025

Page 2 of 2

The attached survey entitled "Plan Showing a Proposed Parking Easement for New Hampshire Fish & Game on Land Owned by LCJ Holdings, LLC" shows the location of the newly proposed parking area (see orange highlighted area). Both the Second Easement Relocation Agreement and Amendment and the survey will be recorded at the Grafton County Registry of Deeds upon Governor and Executive Council approval.

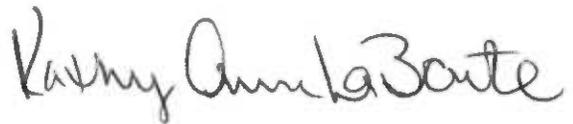
As such, please find attached for the Councils' consideration:

- Second Easement Relocation Agreement and Amendment
- Survey showing relocated parking area; and
- An aerial photograph showing the location of the Pemi WMA and Owls Nest Golf Course.

Respectfully submitted,



Stephanie L. Simek, PhD  
Executive Director



Kathy Ann LaBonte  
Chief, Business Division

Return to:  
NH Fish & Game Department  
11 Hazen Drive  
Concord, NH 03301

## **SECOND EASEMENT RELOCATION AGREEMENT AND AMENDMENT**

This Second Easement Relocation Agreement and Amendment (the "Agreement") is dated as of \_\_\_\_\_, 20\_\_ by and between **LCJ Holdings LLC**, a Massachusetts limited liability company, having an address of 500 Lincoln Street, Boston, Massachusetts 02134 ("LCJ"), and the **State of New Hampshire, acting through the Fish and Game Department**, having an address of 11 Hazen Drive, City of Concord, County of Merrimack, and State of New Hampshire, being a division of the State of New Hampshire ("Fish & Game").

Reference is made to the following facts:

A. By Warranty Deed dated August 7, 2000, and recorded in the Grafton County Registry of Deeds at Book 2480, Page 305 (the "Original Easement"), LCJ's predecessor-in-title, Owl Street Associates L.L.C. ("Owl Street") granted to Fish & Game two (2) certain right of way easements across certain property situate in the Towns of Campton and Thornton, Grafton County, New Hampshire (the "Property"), together with the right to a parking area on the Property (the "Parking Area").

B. The right of way easements described in the Original Easement consisted of an easement for public access to the Pemigewasset Wildlife Management Area and the Pemigewasset River from Owl Street (the "Public Access Easement") and an easement for access by Fish & Game personnel and its agents for access to maintain the Pemigewasset Wildlife Management Area (the "Maintenance Access Easement"). The Public Access Easement and the Maintenance Access Easement are sometimes referred to herein together as the "Access Easements".

C. By Easement Relocation Agreement and Amendment dated as of August 24, 2022 and recorded in the Grafton County Registry of Deeds at Book 4753, Page 821 (the "2022 Amendment") and together with the Original Easement, the "Existing Easement"), LCJ and Fish & Game amended the Original Easement and relocated the Access Easements and the Parking Area to the locations shown on plan entitled "Easement Plan on Land of LCJ Holdings, LLC, located at Owl's Nest Resort & Golf Club, Thornton/Campton, Grafton County, New Hampshire," dated April 1, 2021, prepared by Horizons Engineering, and recorded in the Grafton County Registry of Deeds as Plan No. 16492 (the "2021 Easement Plan").

D. LCJ and Fish & Game desire to again relocate the parking area and to clarify that public access shall be from the Relocated Parking Area (as defined below) to the Public Access Easement, as shown on the 2021 Easement Plan.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, LCJ and Fish & Game agree as follows:

1. Relocation of Parking Area.

(a) Except as may be hereafter relocated in accordance with the terms of the Existing Easement, the location of the parking area for the Access Easements (the "Relocated Parking Area") shall be as shown on the plan entitled "Plan Showing a Proposed Parking Easement made for New Hampshire Fish & Game on Land Owned by LCJ Holdings, LLC, located at Owl's Nest Resort & Golf Club, Pemi River Road, Thornton/Campton, Grafton County, New Hampshire," dated May \_\_, 2024, prepared by Horizons Engineering, Inc. and recorded in the Grafton County Registry of Deeds (the "Parking Easement Relocation Plan") at \_\_\_\_\_.

(b) The locations of the Public Access Easement and the Maintenance Access Easement shall remain in the locations shown on the 2021 Easement Plan and subject to the terms and provisions pertaining to said access easements, as set forth in the Existing Easement.

2. Use of Access Easements and Relocated Parking Area. The use of the Access Easements and parking areas related thereto shall remain subject to the terms and conditions of the Existing Easement, except as follows:

(a) Notch Way, in its current location (or as may be hereafter relocated by LCJ in its sole discretion), may be used in connection with the Public Access Easement for pedestrian access from and to the Relocated Parking Area shown on the Parking Easement Relocation Plan. Notch Way may not be used for vehicular access in connection with the Public Access Easement. The foregoing shall not be construed as a dedication of any portion of Notch Way for public use. The Relocated Parking Area includes and shall be limited to that portion of the Property shown on the Parking Easement Relocation Plan as "Proposed Parking Easement for 4 Gravel Spaces." The parking area adjacent to Notch Way shown on the 2021 Easement Plan is hereby discontinued (with respect to which Fish & Game hereby releases to LCJ all right, title and interest therein). Notwithstanding the foregoing, Notch Way may continue to be used by Fish & Game and its contractors in connection with the Maintenance Access Easement for vehicular access, including temporary parking in the turn-around area.

(b) Fish & Game shall have the right to install signage and/or an informational kiosk within the Relocated Parking Area shown on the Parking Easement Relocation Plan, subject to LCJ's written approval of the content, location, and size, which approval shall not be unreasonably withheld.

3. Force and Effect. Except as otherwise modified by this Agreement, the Existing Easement remains in full force and effect, and parties hereby ratify and reaffirm the terms and conditions thereof, which are incorporated by reference hereto. In the event of any conflict between the terms of the Existing Easement and this Agreement, the terms of this Agreement shall control.

4. Miscellaneous.

(a) The term "LCJ" when used in this Agreement shall mean LCJ Holdings, LLC and its successors and assigns. The term "Fish & Game" shall mean the State of New Hampshire, acting by and through the Fish & Game Department, and any successor governmental agency or authority thereto.

(b) This Agreement, together with the Existing Easement, contains the complete understanding and agreement of the parties hereto with respect to all matters referred to herein and all prior representations, negotiations, and understandings are superseded hereby.

(c) The captions and headings in this Agreement are for reference only and shall not be deemed to define or limit the scope or intent of any of the terms, covenants, conditions or agreements contained herein.

(d) The parties agree that the provisions of this Agreement may be modified or amended, in whole or in part, only by the written consent of the parties, evidenced by a document that has been fully executed and acknowledged by all such parties and recorded in the Grafton County Registry of Deeds.

(e) Except for security interests or liens securing financial obligations, LCJ agrees to notify Fish & Game thirty (30) days prior to any transfer of title to any portion of the Property that is subject to the terms of this Agreement.

(f) Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State which immunity is hereby reserved.

(g) This Agreement modifies a conveyance to the State of New Hampshire or political subdivision thereof and is therefore exempt from the New Hampshire Real Estate Transfer Tax pursuant to RSA 78-B:2.

*{THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK.  
SIGNATURE PAGE(S) TO FOLLOW.}*

EXECUTED as of the date and year first set forth above.

LCJ HOLDINGS, LLC

By: \_\_\_\_\_  
Brian S. Lash, Manager  
Duly Authorized

STATE/Commonwealth of \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, ss.

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Brian S. Lash, the Manager of LCJ Holdings, LLC, as his free act and deed and as the free act and deed of said limited liability company.

\_\_\_\_\_  
Notary Public/Justice of the Peace

Name:

My Commission Expires:

STATE OF NEW HAMPSHIRE, ACTING BY  
AND THROUGH THE FISH AND GAME  
DEPARTMENT

By: \_\_\_\_\_  
Stephanie L. Simek, PhD, Executive Director  
Duly Authorized

STATE OF NEW HAMPSHIRE  
COUNTY OF MERRIMACK, ss.

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_,  
20\_\_\_, by Stephanie Simek, the Executive Director of the New Hampshire Fish and Game  
Department, as her free act and deed and as the free act and deed of said governmental agency.

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Name:  
My Commission Expires:

Approved by Governor and Executive Council: \_\_\_\_\_, 20\_\_\_, as Item # \_\_\_\_\_.



Source: Esri, DeLorme, Earthstar Geographics, and the GIS User Community

**The Pemigewasset WMA as it relates to Owl's Nest Golf Course**



**Inter-Department Communication**

**DATE:** April 7, 2025

**FROM:** Christopher G. Aslin                      **AT (OFFICE)** Department of Justice  
Senior Assistant Attorney General                      Environmental Protection Bureau

**SUBJECT:** **Pemigewasset WMA Easement Relocation Agreement, Towns of Campton  
and Thornton**

**TO:** James Oehler, Wildlife Habitat Program Supervisor  
Facilities and Lands Division  
Fish & Game Department

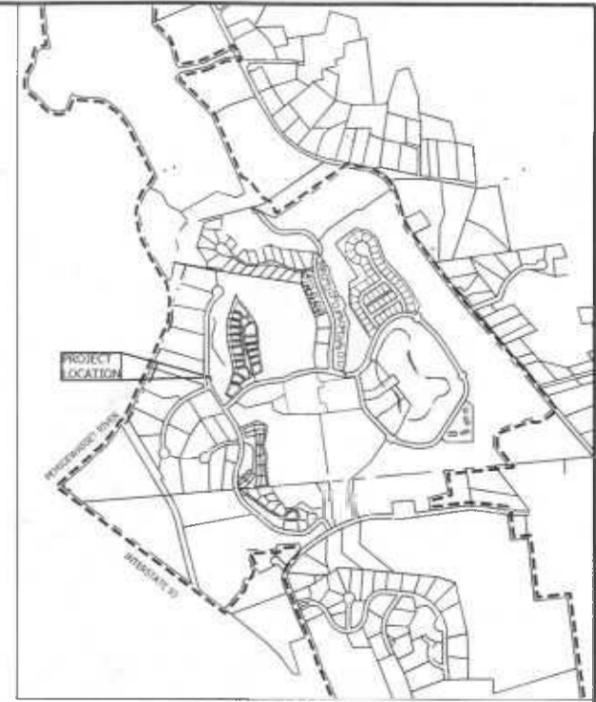
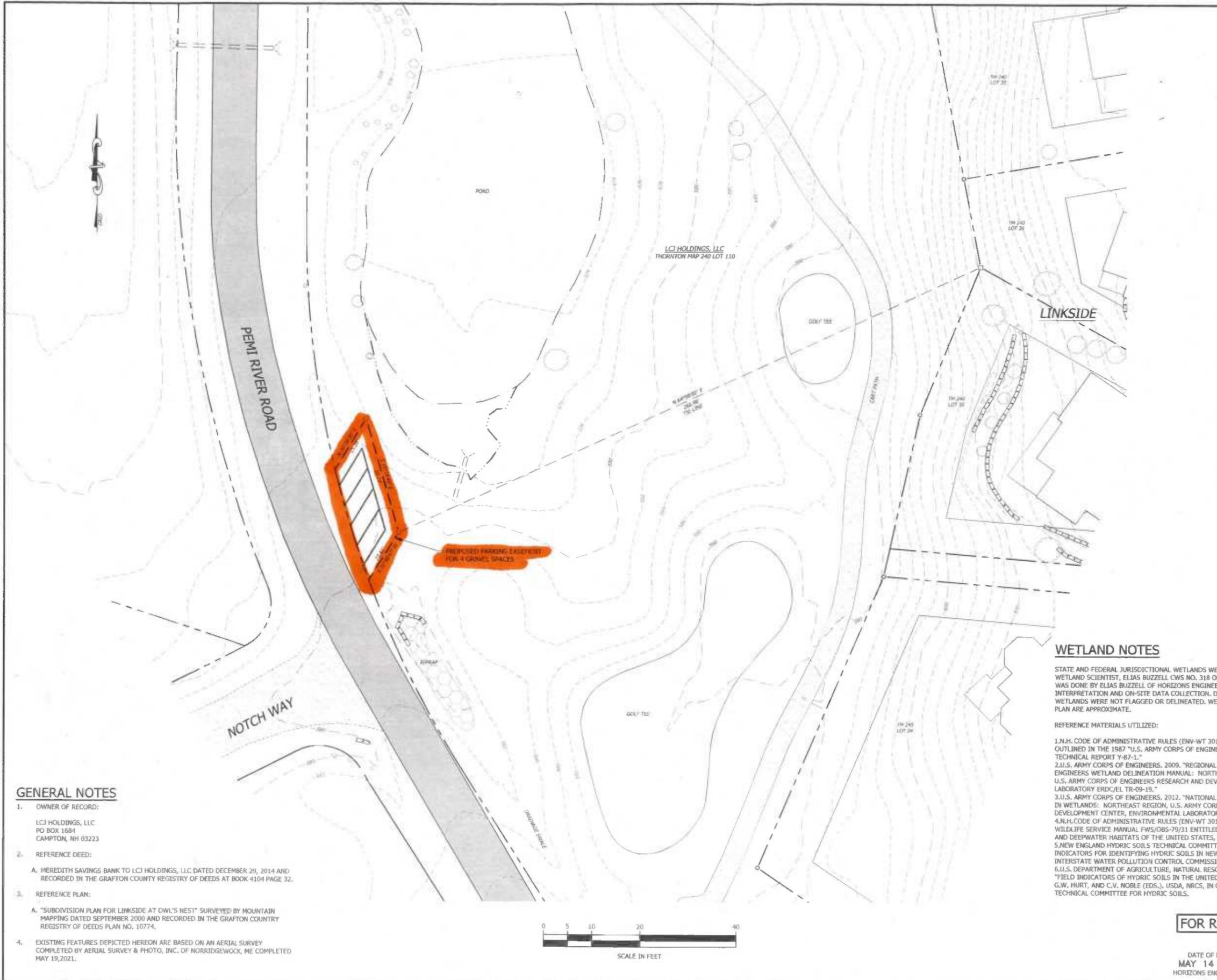
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The Office of the Attorney General has reviewed the Second Easement Relocation Agreement and Amendment for the Pemigewasset Wildlife Management Area and the supporting documents provided, and approves the relocation and amendment for form and substance only. Please note that once approved by Governor and Council, and signed by all parties, the Relocation Agreement and Amendment should be returned to this office for final review of execution before it is recorded in the appropriate county registry of deeds.



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Christopher G. Aslin



VICINITY MAP  
SCALE: 1" = 1000'

**LEGEND**

- CONCRETE MONUMENT PER REF. PLAN
- IRON PIPE OR PIN PER REF. PLAN
- PROPERTY LINE
- - - EDGE OF POND
- · - · - EDGE OF WETLAND

**WETLAND NOTES**

STATE AND FEDERAL JURISDICTIONAL WETLANDS WERE OBSERVED BY N.H. CERTIFIED WETLAND SCIENTIST, ELIAS BUZZELL CWS NO. 318 ON APRIL 11, 2024. WETLANDS MAPPING WAS DONE BY ELIAS BUZZELL OF HORIZONS ENGINEERING, INC. UTILIZING LIDAR INTERPRETATION AND ON-SITE DATA COLLECTION. DUE TO GROUND CONDITIONS ON SITE WETLANDS WERE NOT FLAGGED OR DELINEATED. WETLAND BOUNDARIES DISPLAYED ON PLAN ARE APPROXIMATE.

REFERENCE MATERIALS UTILIZED:

1. N.H. CODE OF ADMINISTRATIVE RULES (ENV-WT 301.01) WITH THE TECHNIQUES OUTLINED IN THE 1987 "U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, TECHNICAL REPORT Y-87-1."
2. U.S. ARMY CORPS OF ENGINEERS, 2009. "REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTH-CENTRAL AND NORTHEAST REGION, U.S. ARMY CORPS OF ENGINEERS RESEARCH AND DEVELOPMENT CENTER, ENVIRONMENTAL LABORATORY ERDC/EL TR-09-19."
3. U.S. ARMY CORPS OF ENGINEERS, 2012. "NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST REGION, U.S. ARMY CORPS OF ENGINEERS RESEARCH AND DEVELOPMENT CENTER, ENVIRONMENTAL LABORATORY."
4. N.H. CODE OF ADMINISTRATIVE RULES (ENV-WT 301.02) WITH THE U.S. FISH AND WILDLIFE SERVICE MANUAL FWS/OBS-79/31 ENTITLED "CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, COWARDIN ET AL, 1979."
5. NEW ENGLAND HYDRIC SOILS TECHNICAL COMMITTEE, 2004, 3RD/ED., "FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND," NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION, LOWELL, MA.
6. U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCE CONSERVATION SERVICE, 2010. "FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0," L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.), USDA, NRCS, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.

**GENERAL NOTES**

1. OWNER OF RECORD:  
LCJ HOLDINGS, LLC  
PO BOX 1684  
CAMPTON, NH 03223
2. REFERENCE DEED:  
A. MEREDITH SAVINGS BANK TO LCJ HOLDINGS, LLC DATED DECEMBER 29, 2014 AND RECORDED IN THE GRAFTON COUNTY REGISTRY OF DEEDS AT BOOK 4104 PAGE 32.
3. REFERENCE PLAN:  
A. "SUBDIVISION PLAN FOR LINKSIDE AT OWL'S NEST" SURVEYED BY MOUNTAIN MAPPING DATED SEPTEMBER 2000 AND RECORDED IN THE GRAFTON COUNTY REGISTRY OF DEEDS PLAN NO. 10774.
4. EXISTING FEATURES DEPICTED HEREON ARE BASED ON AN AERIAL SURVEY COMPLETED BY AERIAL SURVEY & PHOTO, INC. OF NORRIDGEWOCK, ME COMPLETED MAY 19, 2021.



**FOR REVIEW**

DATE OF PRINT  
MAY 14 2024  
HORIZONS ENGINEERING

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**Civil and Structural Engineering  
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PLAN SHOWING A PROPOSED PARKING EASEMENT  
MADE FOR  
**NEW HAMPSHIRE FISH & GAME**  
ON LAND OWNED BY  
**LCJ HOLDINGS, LLC**  
LOCATED AT  
**OWL'S NEST RESORT & GOLF CLUB**  
PEMI RIVER ROAD  
THORNTON, GRAFTON COUNTY, NEW HAMPSHIRE  
TAX PARCEL MAP 240 LOT 110 BOOK 4104 PAGE 32

NO.	DATE	REVISION DESCRIPTION	ENG	DWG

DATE:	PROJECT #
MAY 2024	17245
ENGINEER BY:	DRAWN BY:
RJH	SJB
CHECKED BY:	ARCHIVE #:
XXX	PH

**SHEET 1 OF 1**

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