



New Hampshire Fish and Game Department

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Stephanie L. Simek, Ph.D.
Executive Director

April 20, 2026

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

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department, pursuant to RSA 212:1, to acquire a 6.91-acre parcel of land in Concord, New Hampshire, from the Law Office of Gallagher, Callahan & Gartrell (Vendor No. 155067), Concord, NH, acting as agent for the State, for \$575,000, and pay up to \$5,500 for closing costs, for a total amount not to exceed \$580,500, effective upon Governor and Council approval through August 31, 2026. Hunting and fishing are permissible uses on the land. 75% Federal Funds, 25% Other Funds (Nongame Program).

Funding is available as follows:

03-75-75-751520-21250000 WILDLIFE PROGRAM – NONGAME MANAGEMENT

		<u>FY2026</u>
020-07500-21250000-305-500845	Habitat Acquisition and Mgmt	\$580,500.00

EXPLANATION

The New Hampshire Fish and Game Department (NHFG) proposes to acquire a 6.9-acre parcel of land in Concord, New Hampshire for the purpose of wildlife habitat conservation and supporting the recovery of the federally endangered Karner blue butterfly. The property will be added to the statewide Wildlife Management Area system for the protection of wildlife, with a focus on management for New Hampshire's state butterfly, the Karner blue butterfly. Hunting and fishing are permissible uses on the land; however, there are no waterbodies on the property that provide fishing opportunities. The property will also be open to compatible public uses including trapping, wildlife viewing, hiking, snowshoeing, and other non-motorized recreation, in accordance with Wildlife Management Area rules and applicable state laws. Motorized uses are not permitted. Additional uses may be allowed by special use permit in accordance with Department rules and regulations. The location of the property provides good opportunities to engage the public in habitat and wildlife restoration efforts, including education on the importance of pollinators, while enjoying the outdoors.

Karner blue butterflies are state and federally endangered, and Concord is the only location in New England where the species occurs. This habitat acquisition is critical to the continued recovery of the

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species. The target parcel is situated directly between documented occupied habitat areas for Karner blue butterflies and is therefore considered likely occupied; however, the property has been posted against trespassing for several decades, preventing formal surveys. Acquisition of this parcel will provide connectivity between an adjacent Karner blue butterfly easement owned by the U.S. Fish and Wildlife Service and a privately owned parcel that has provided habitat for a small subpopulation of the species for several decades. This acquisition will improve the ability of populations to withstand catastrophic events by maintaining and enhancing connectivity within the recovery unit. The habitat on this parcel consists of open areas with sandy, exposed soils and native pine barrens vegetation. It is likely that wild lupine and other nectar sources, such as New Jersey tea, which are essential to the species' lifecycle, are present on the property.

The property is identified as Tier 1 (highest-ranked) in the New Hampshire Wildlife Action Plan. The acquisition will also benefit a pitch pine community that is extremely rare and declining in New Hampshire. Twenty-four wildlife species of conservation concern have been identified in the vicinity of the project. In addition to the Karner blue butterfly, this acquisition is expected to benefit the state-endangered frosted elfin (*Callophrys irus*), as well as a variety of other pollinators, birds, mammals, and reptiles.

The appraised fair market value of the property is \$590,000. NHFG has entered into an agreement with Dead Water LLC to acquire the fee interest for \$575,000, representing a voluntary bargain sale below the appraised value. The NHFG will utilize federal funds to cover 75% of the total project cost, with the remaining 25% provided through in-kind contributions and the Nongame Program. In the fall of 2025, more than 400 individuals contributed to the Nongame Program in support of conserving this property.

The U.S. Fish and Wildlife Service has approved the project under the Cooperative Endangered Species Conservation Fund: Recovery Land Acquisition Grants and allocated federal funding for the acquisition of the property and associated project costs under Grant No. F24AP02910 (Land Protection for the Karner Blue Butterfly Merrimack-Nashua River Systems Recovery Unit).

The Office of the Attorney General has reviewed the Warranty Deed and related documents and approved the deed for form and substance on April 22, 2026

Attachments:

- Location Map
- Attorney General Form & Substance Approval
- Warranty Deed

Respectfully submitted,



Stephanie L. Simek, Ph.D.
Executive Director



Kathy Ann LaBonte, Chief
Business Division

Inter-Department Communication


DATE: April 22, 2026

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

SUBJECT: Dead Water LLC Acquisition, City of Concord

TO: Sean Coulter, Land Agent
Facilities and Lands Division
Fish & Game Department

The Office of the Attorney General has reviewed the Warranty Deed for the Dead Water LLC Acquisition and the supporting documents provided, and approves the Warranty Deed for form and substance only. Please note that once approved by Governor and Council, and signed by all parties, the Warranty Deed should be returned to this office for final review of execution before it is recorded in the appropriate county registry of deeds.



Christopher G. Aslin

The within conveyance is a transfer to the State of New Hampshire and, pursuant to RSA 78-B:2(I), is exempt from the New Hampshire real estate transfer tax.

WARRANTY DEED

DEAD WATER LLC, a Delaware limited liability company with a mailing address of c/o Wagner Forest Management, Ltd., 150 Orford Road, P.O. Box 160, Lyme, New Hampshire 03768 ("Grantor"), for consideration paid, grants to the **STATE OF NEW HAMPSHIRE, acting by and through its FISH AND GAME DEPARTMENT**, with a mailing address of 11 Hazen Drive, Concord, New Hampshire 03301 ("Grantee"), with **WARRANTY COVENANTS**, the following described premises:

A certain tract of land located on the southerly right-of-way line of Regional Drive, so-called, in the City of Concord, County of Merrimack, State of New Hampshire, bounded and described as follows:

Commencing at a concrete bound located on the southerly right-of-way of Regional Drive and 609.73 feet from intersection of Chenell Drive, said bound marks the most northwest corner of said Lot herein described; thence S 48° 47' 05" E along said right-of-way of Regional Drive a distance of 1091.35 feet to a concrete bound; thence S 66° 01' 30" W a distance of 496.39 feet to a concrete bound; thence N 59° 17' 50" W a distance of 610.34 feet to a stone bound; thence N 59° 25' 45" W a distance of 287.92 feet to a concrete bound; thence N 41° 12' 55" E a distance of 615.12 feet to a point of beginning. See Lot A-17 on Plan filed November 4, 1981, at the Merrimack County Registry of Deeds, Plan No. 6890.

Excluded, however, from said tract is the following premises conveyed to TBC Realty/Concord Three, a New Hampshire general partnership of RFD #3, Plymouth, Grafton County, New Hampshire by Deed from Raymond A. and Barbara F. Carye dated November 28, 1990 and recorded in the Merrimack County Registry of Deeds at Book 1850, Page 1872 and shown on a plan of land dated May 17, 1990 entitled "Subdivision plat prepared for Raymond and Barbara Carye", recorded in the Merrimack County Registry of Deeds on October 12, 1990 as Plan No. 11833:

Commencing at a concrete bound set on the southerly sideline of Regional Drive, said bound marking the most northeasterly corner of the herein described lot and the most northwesterly corner of the land now or formerly of Walter Booth Trust; thence S 65° 51' 05" W, a distance of 496.23 feet along land of said Walter Booth Trust to a concrete bound at land now or formerly of the City of Concord, said bound marking the most southeasterly corner of the herein described lot; thence N 59° 28' 45" W, a distance of 410.00 feet along land of said City to a point at other land of Raymond and Barbara Carye, said point marking the most southwesterly corner of the herein described lot; thence N 52° 15' 25" E, a distance of 535.58 feet along said Carye land to a point on the southerly sideline of Regional Drive, said point marking the most

northwesterly corner of the herein described lot; thence S 48° 57' 05" E, a distance of 507.16 feet along the southerly sideline of Regional Drive to the point of beginning.

The premises conveyed by this Deed contain approximately 6.91 acres of land, more or less (the "Property").

Said premises are conveyed subject to and with the benefit of all leases, whether or not of record, and subject to all easements, liens, restrictions, encumbrances, encroachments, and agreements of record, including without limitation, the following:

Deed from the City of Concord, New Hampshire to Concord Regional Development Corporation, dated May 26, 1955, and recorded at the Merrimack County Registry of Deeds on July 26, 1955, in Book 771, Page 336; and

Deed from the City of Concord, New Hampshire to Concord Regional Development Corporation, dated September 27, 1958, and recorded at the Merrimack County Registry of Deeds on April 14, 1958, in Book 822, Page 298.

Meaning and intending to convey the same premises conveyed to the Grantor by deed of Renewable Properties, Inc. dated June 13, 2023, and recorded at the Merrimack County Registry of Deeds in Book 3828, Page 2235.

The Property is acquired for wildlife conservation purposes and for compatible public access, including hunting, trapping, fishing, wildlife observation, and related outdoor recreational uses.

The Property was acquired in part with federal funds provided under the Cooperative Endangered Species Conservation Fund, Assistance Listing No. 15.615, administered by the United States Fish and Wildlife Service. The Property is subject to the terms and conditions set forth in the Notice of Federal Participation, attached hereto as Exhibit A and incorporated herein by reference.

(Signatures commence on following page)

IN WITNESS WHEREOF, the Grantor has executed this instrument on this ____ day of _____, 2026.

DEAD WATER LLC,
a Delaware limited liability company

By: _____
Name:
Title:

STATE OF _____

COUNTY OF _____

On this ___ day of _____, 2026, before me, the undersigned officer, personally appeared _____, who acknowledged themselves to be _____ of Dead Water LLC, and that they, as such _____, being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of said limited liability company.

Notary Public / Justice of the Peace
My commission expires:

Accepted:

State of New Hampshire
Fish and Game Department

By: _____
Stephanie L. Simek, Ph.D.
Executive Director

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

The foregoing instrument was acknowledged this ___ day of _____, 2026, before me, the undersigned officer, by Stephanie L. Simek, Ph.D., the Executive Director, of the New Hampshire Fish and Game Department, on behalf of the State of New Hampshire.

Notary Public / Justice of the Peace
My commission expires:

Approved by the Governor and Executive Council: _____ Item No. _____

Exhibit A

Notice of Federal Participation

The State of New Hampshire acting by and through its Fish and Game Department, and its successors and assigns ("Department"), acknowledges that the 6.91-acre property, with an address of 60 Regional Drive, Concord, Merrimack County, New Hampshire 03301 ("Property"), and further described herein was acquired in part with federal funds received from the Cooperative Endangered Species Conservation Fund, Assistance Listing No. 15.615, administered by the U.S. Fish and Wildlife Service, Office of Conservation Investment, and its successors and assigns ("Service"), and that the Property is subject to all applicable terms and conditions of Grant Agreement No. F24AP02910, with an effective date of August 1, 2024, between the Service and the Department, which includes the entire file on this project ("Grant Agreement"). A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035-9589 and at the offices of the Department, 11 Hazen Drive, Concord, New Hampshire 03301.

The Department acknowledges that the real property, which is the subject of the Grant Agreement, is acquired for the approved purpose of the permanent protection and management of pine barrens and early successional habitat to support recovery of the federally endangered Karner blue butterfly, while providing compatible public access and wildlife-dependent recreational opportunities consistent with habitat and population management objectives. The Property shall be administered for the long-term protection of these habitats and species, and there shall be no discrimination against any member of the public in the use of the Property. The Property will be incorporated into the Wildlife Management Area system. The Department, as grant recipient, hereby acknowledges that it is responsible for exercising sufficient control over the Property to ensure that the Property is used, and will be continued to used, for the approved purposes for which it is acquired and that the property may not be conveyed or title encumbered, in whole or in part, to any other party or for any other use, whatsoever, without first notifying and requesting instructions of the Service.

If the Department loses control of the Property, control must be fully restored to the Department, or the Property must be replaced within three (3) years with a like property of equal value at current market prices and providing equal benefits. If the Property is used for activities that interfere with accomplishment of the approved purposes, such activities shall cease and any resulting adverse effects shall be remedied.

If the Department determines the Property is no longer needed or useful for its original purpose and the Service concurs, the Department may with the prior written consent of the Service in accordance with 2 CFR 200.311: either (1) acquire title to another parcel of real property of equal value that serves the same approved purposes as the original Property and manage the newly acquired real property for same purposes specified in the original Grant Agreement, or (2) repay the Service, in cash, the proportionate federal share of funds invested in the original purchase price, or repay the Service, in cash, the proportionate federal share of the current fair market value of the Property, or any portion thereof, whichever is higher, or (3) as a last resort, transfer the subject Property to the Service or to a third-party designated or approved by the Service.

The Department, as grant recipient, hereby confirms its obligations and responsibilities with regard to the acquired Property pursuant to the terms and conditions associated with the Grant Agreement No. F24AP02910.

IN WITNESS WHEREOF, the Department has executed this Notice of Federal Participation this ____ day of _____, 2026.

By: _____
Stephanie L. Simek, Ph.D.
Executive Director

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared Stephanie L. Simek, Ph.D., Executive Director of the New Hampshire Fish and Game Department, this ____ day of _____, 2026, and being duly authorized, executed the foregoing on behalf of the State of New Hampshire.

Notary Public / Justice of the Peace
My commission expires: