

New Hampshire Council on Resources and Development

NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

CORD Meeting
Thursday, January 9, 2020
Johnson Hall, 3rd Floor Conference Room
107 Pleasant Street, Concord, NH
Time - 9:30 A.M.

FINAL AGENDA

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- I. ROLL CALL AND INTRODUCTIONS**
- II. MINUTES.....1**
 - A. Approval of November 14, 2019 draft minutes
- III. LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM**
 - A. Dijit Taylor - Executive Director, LCHIP. Request for 2020 distribution of Community Conservation Endowment monitoring funds
- IV. SURPLUS LAND REVIEW**
 - A. 2019 SLR 06 (Hampton)..... **5**
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- V. OTHER BUSINESS**
 - B. Land Conservation Investment Program - Receipt of 12/12/19 NHF&G letter re: Notice of Land Interest Merger (Cascade Marsh, Sutton)..... **13**
 - C. 2019 SLR 004 (Brentwood) - Receipt of 12/11/19 DHR letter re: eligibility..... **33**
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Reminder – 2020 Meeting Dates

~~January 9~~
July 9

March 12
September 10

May 14
November 12

New Hampshire Council on Resources and Development

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DRAFT Minutes – November 14, 2019

MEMBERS PRESENT

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives
Glen Normandeau, Executive Director, NH Fish and Game Department
Tracy Boisvert, Designee, NH Department of Natural and Cultural Resources
Stephen McLocklin, Designee, NH Department of Administrative Services
John B. Martin, Designee, NH Department of Health and Human Services
Marta Modigliani, Designee, NH Department of Safety
Tim Drew, Commissioner, NH Department of Environmental Services
Amy Clark, Designee, NH Department of Education
Christopher Miller, Designee, NH Housing Finance Authority
Shawn Jasper, Commissioner, NH Department of Agriculture, Markets & Food

OTHERS PRESENT

Michael Klass, NH Office of Strategic Initiatives
Danielle Craver, NH Office of Strategic Initiatives
Stephen Walker, NH Office of Strategic Initiatives
Amanda Hollenbeck, NH Office of Strategic Initiatives
Andrew Davis, Real Estate and Leasing Administrator, NH Liquor Commission
Allen Brooks, NH Department of Justice
Jared Nylund, Real Property Asset Manager, Department of Administrative Services

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 9:32 AM by Chairman Chicoine. CORD members and guests then introduced themselves.

II. MINUTES

A. Approval of July 11, 2019 draft minutes

Chairman Chicoine reminded members that a member of the public had submitted a question about the July 11, 2019 minutes and felt that something additional should have been included. Michael Klass was tasked with reviewing the minutes. Mr. Klass stated that he compared the audio to the minutes as they were drafted. He noted that there was a conversation about the issue

but that the speculation and commentary during the meeting was not included in the minutes. The takeaway was that Fish & Game was clear that it wanted to sell the property in fee; they were moving to Long Range; and that details would be worked out by those parties down the road. Mr. Klass noted that all the material summary is contained in the minutes as drafted and that he, as the staff member, is not inclined to include additional details in the minutes. Mr. Klass mentioned that the audio is still available if any of the CORD members wish to review it.

MOTION: On a motion by Commissioner Jasper, seconded by Director Normandeau, the July 11, 2019 minutes were approved unanimously by the Council (with Mr. Martin and Mr. Miller abstaining).

B. Approval of Sept 12, 2019 draft minutes

MOTION: On a motion by Ms. Modigliani, seconded by Ms. Boisvert, the September 12, 2019 minutes were approved unanimously by the Council (with Mr. Martin, Mr. Miller, and Ms. Clark abstaining).

III. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. 2019 LCIP Annual Report - Steve Walker, Conservation Land Stewardship Director

Mr. Walker began by acknowledging and thanking various people for their assistance with the report.

He explained that main goals of the CLS program is to communicate with land owners in an effort to prevent issues before they come up, or to prevent an issue from escalating, and to help people do what they can do for conservation easement properties. CLS is always trying to improve the way they do their work – staying current, maintaining high quality, and trying to be efficient all at the same time. Mr. Walker noted that they had added Gaia Pro, a tracking/mapping phone app, onto their newly issued work cell phones, which has been helpful in the field.

Regarding the LCIP Annual Report, Mr. Walker explained that it does not change much from year to year, due to the amount of background material in the report. Mr. Walker noted that on page seven of the LCIP Annual Report there is a reference to the Fidelity Investment Review, and that there was an upcoming meeting regarding the investment review at the NH Treasury business office. This review is tied to the fiscal year and will be used as a benchmark, and if anyone would like to read about the review Mr. Walker would be happy to share it with them. Mr. Walker went on to briefly touch on a few of the Investment Review findings. Mr. Walker then summarized that the investment is meant to grow and produce income, but not be too risky.

Mr. Walker explained that the more important data is found in the report appendices, which he listed, and that the goal of the report is to convey the status of all the LCIP properties. Appendices C and D are properties that Fish & Game and DNCR own that were acquired through LCIP. They have not had many issues with these, with Wild Goose being an exception.

Mr. Walker pointed out that everyone received the annual report document electronically and to feel free to ask questions even after the presentation was over via email. Mr. Walker noted that the report contains data through July 2019.

Mr. Walker stated that they tried to go out annually for State-Held Conservation Easements. Mr. Walker then spoke about the Municipal-Held properties stating that Ms. Hollenbeck communicates with the 78 municipalities and that they do well at managing the properties, but are sometimes not always prepared to deal with an issue when it come up, so the CLS program is always there as a back-up and the NH DOJ has also provided assistance in the past. Mr. Walker again touched on the State Fee-Owned properties, which are managed by Fish & Game and DNCR – Div. of Forest and Lands. He went on to say that the properties are very well managed by those agencies and not many issues arise.

Mr. Walker then continued with Appendix E: Land Conservation Endowment. He stated that it has grown in and of itself by virtue of the market, as most investments are up 13-15% this calendar year. He went on to say that occasionally they do add to the endowment if a new non-LCIP property comes through, and as many as three new properties could be added next year. Mr. Walker has provided graphs to help CORD members better understand the CLS program, and to help CLS staff track changes over time so future staff can review those changes. In conclusion, Mr. Walker welcomed anyone to ask questions, make comments or suggest improvements by reaching out to him or Director Chicoine via email.

Ms. Boisvert, DNCR, Division of Forest and Lands, reiterated that if issues become elevated enough to reach this table they are usually very important and typically controversial and will likely involve legal counsel. She also clarified that Surplus Land Review and LCIP are completely different processes.

Mr. Miller, NH Housing Finance Authority, asked what kinds of things CORD acts on. A conversation ensued regarding various LCIP items that have been addressed by CORD. Allen Brooks, NH Department of Justice then summarized that CORD was legally appointed as the manager of the LCIP programs and while state agencies like OSI, Fish & Game, and DNCR manage the programs day-to-day they all function under the umbrella of CORD and therefore CORD has deciding power over those programs. Mr. Walker added that each issue taken to CORD is entirely unique, and that usually it is necessary to go to other agencies to assist with the problem.

Commissioner Normandeau added that time is an issue. He stated that Fish & Game has thousands of acres of easements that do not fall under LCIP umbrella and as private ownerships change over time there is less fidelity to the easements because they are not the ones that got the money for them. Mr. Walker then pointed out how important it is to build those relationships with land owners because properties are changing hands regularly.

Mr. Miller asked how many total properties CLS manages. Mr. Walker answered that as of July 2019 there were 445 properties and 92,000 acres. Mr. Walker went on to suggest referencing the

charts provided in the annual report for more data, and that state-held properties are visited every year and municipal-held properties are visited about every five years. State fee-owned properties, managed by Fish & Game and DNCR, are visited regularly.

MOTION: On a motion by Commissioner Jasper, seconded by Mr. Miller, the Council unanimously approved the adoption of the LCIP Annual Report.

IV. OTHER BUSINESS

A. Acknowledgement of RMAC Correspondence received on November 5, 2019.

Chairman Chicoine acknowledged receipt of RMAC correspondence regarding the Hampton SLR. It will be added as an agenda item for the next CORD meeting, currently scheduled for January 2020. Today it was on the agenda for informational purposes, and the letter was included in the meeting packet.

B. Proposed 2020 meeting dates

Mr. Klass stated that the same formula was used to select the dates for the 2020 CORD meetings.

C. Non-Meeting For Purpose of Consultation with Legal Counsel

Chairman Chicoine then stated that Allen Brooks, NH DOJ, was in attendance and that he would like to enter a non-meeting for the purposes of consulting with legal counsel.

MOTION: On a motion by Ms. Modigliani, seconded by Commissioner Jasper, the Council unanimously approved temporary adjournment for the purposes of a non-meeting to consult with legal counsel.

Meeting temporarily adjourned for the purposes of consultation with legal counsel at 10:06 AM.

MOTION: On a motion by Commissioner Jasper, seconded by Ms. Boisvert, the Council unanimously approved leaving the non-meeting and return to public session.

The public session was reconvened at 10:15 AM.

MOTION: With business completed, Director Normandeau moved to adjourn the meeting, which Commissioner Jasper seconded. The motion was approved unanimously by the Council.

Meeting adjourned at 10:15 AM.

Reminder – 2020 CORD Meeting Dates:

January 9
July 9

March 12
September 10

May 14
November 12

Klass, Michael

From: Drociak, Jen
Sent: Tuesday, November 5, 2019 9:52 AM
To: Chicoine, Jared; Klass, Michael
Cc: 'jocloutier@comcast.net'; 'jdiener@town.hampton.nh.us'; Sununu, Christopher; Cryans, Michael; Volinsky, Andru; Prescott, Russell; Gatsas, Theodore; Pignatelli, Debora; Aslin, Christopher; Scott, Robert; O'Donovan, Thomas; Drew, Tim; Sales, Tracie; Monastiero, Alexandre; Allan G. Palmer (allan.palmer@graniteshorepower.com); Christopher Hodgdon (chris_hodgdon@comcast.com); Donald Ware (donald.ware@pennichuck.com); Fred McNeill (fmcneill@manchesternh.gov); Gilbert, Jennifer; Magee, John; Henderson, Kayla; Larry T. Spencer (lts@mail.plymouth.edu); Hemmerlein, Mark; Mark Lombardi; 'Michele L Tremblay'; Norman Sims (normansims1@gmail.com); Bowman, Peter; ruthward@myfairpoint.net; Jasper, Shawn
Subject: CORD 2019 Surplus Land Review 006 (Hampton) - Letter from Rivers Management Advisory Committee
Attachments: 20190802 RMAC Ltr SLR 19-006 Hampton.pdf; 20191021 RMAC Ltr SLR 19-006 to LongRange.pdf; 20191021 RMAC Ltr SLR 19-006 to CORD.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Chair Chicoine and members of the New Hampshire Council on Resources and Development:

The New Hampshire Rivers Management Advisory Committee (RMAC) is submitting the attached letter relative to 2019 SLR 006 (Hampton), requesting that CORD reconsider its recommendation to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton without the wetland conservation easements requested by the RMAC. Please also find attached the RMAC's original letter to CORD dated August 2, 2019 as well as a letter to the Long Range Capital Planning and Utilization Committee dated October 21, 2019 requesting that they take the RMAC's recommendation on 2019 SLR 006 into consideration in their decision.

Please contact RMAC Chair Michele L. Tremblay at 603.796.2615 or MLT@naturesource.net with any questions regarding these letters.

Thank you,

Jen Drociak
Watershed Coordinator
Rivers and Lakes Management and Protection Program
Watershed Management Bureau
Water Division / NH Department of Environmental Services
29 Hazen Drive / PO Box 95
Concord NH 03302-0095
(603) 271-8811
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[Rivers Management Protection Program](#)
[Lakes Management Protection Program](#)

Jen Drociak
Watershed Coordinator
Rivers and Lakes Management and Protection Program
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29 Hazen Drive / PO Box 95
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Jen.drociak@des.nh.gov
[Rivers Management Protection Program](#)
[Lakes Management Protection Program](#)

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Alexx Monastiero
NH Department of
Safety

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

August 2, 2019

Michael A. Klass
NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301

RE: CORD Surplus Land Application - 2019 SLR 006 (Hampton)

Dear Mr. Klass:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on the New Hampshire Liquor Commission's proposed sale of approximately 87 acres, minus the area required for the footprints of new liquor store buildings, associated with the Interstate 95 northbound and southbound state liquor and wine outlet stores in Hampton, New Hampshire. According to the information provided in the Request for Surplus Land Review Action, land would be sold for development of additional traveler services, including fueling, with the redeveloped liquor stores remaining in state ownership. Of the lots proposed for sale, the parcel on the southbound (west) side of I-95 and two of the three parcels on the northbound (east) side of I-95 lie immediately adjacent to the Taylor River and therefore within the RMAC's area of interest for disposals of state owned land.

On August 2, 2019, the RMAC met to consider 2019 SLR 006 in Hampton, with representatives of the Liquor Commission and its consultants, New Hampshire Administrative Services, and New Hampshire Department of Environmental Services (NHDES) senior leadership attending the meeting. After extensive discussion regarding the potential impact of development at these sites on the adjacent river, pond, prime wetlands, and other wetlands, as well as concerns about future sea level rise, salt marsh migration, and groundwater rise, the following two motions were made:

Larry Spencer moved that the RMAC recommend the sale of the property (lots 171-001-000, 172-009-000, 199-002-000, and 199-001-000) with a conservation easement placed on the wetlands. The motion was seconded by Ruth Ward. The RMAC voted 5-2 in favor of the disposal, with no abstentions.

Larry Spencer moved that the RMAC request participation in the development of the Request for Proposals of the sale and development of the subject property. The motion was seconded by Ruth Ward. The RMAC voted 6-0 in favor of this condition on the disposal, with no abstentions.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and Development on the merits of such disposals.

Should you have any questions regarding this letter, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
Chair

cc: RMAC Representatives

Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Vacant
Historic/Archeological
Interests

Non-Voting Members:

Peter Bowman
NH Department of
Natural and Cultural
Resources

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

Alexx Monastiero
NH Department of
Safety

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

October 21, 2019

Jared Chicoine
Chair, Council on Resources and Development
New Hampshire Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301

RE: CORD Surplus Land Application - 2019 SLR 006 (Hampton)

Dear Chair Chicoine and Members of the Council:

The Rivers Management Advisory Committee (RMAC) is writing to request that the New Hampshire Council on Resources and Development (CORD) reconsider its recommendation to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton, 2019 SLR 006, without the wetland conservation easements requested by the RMAC.

RSA 483:8 VII states "No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development or the long range capital planning and utilization committee, whichever is the first point of review, except upon the review and recommendation of the advisory committee established under this section."

The RMAC's recommendation to approve the sale, as stated in the attached letter from the RMAC to CORD dated August 2, 2019, was conditional on the addition of conservation easements placed on the wetland areas, both prime and other wetlands, of the land to be sold under 2019 SLR 006, and the RMAC feels that this counsel was not considered in CORD's decision. The conservation easement would ensure that the wetlands surrounding the existing developed areas are guaranteed protection, and would also support the findings outlined in RSA 9-B that clean water, wildlife habitat, and open space are among the state's most valuable assets.

This request to CORD for a reconsideration of its decision on 2019 SLR 006 in Hampton was approved unanimously, with one abstention, by the RMAC on October 21, 2019. In addition, the RMAC will be sending the attached letter to the Long Range Capital Planning and Utilization Committee requesting that their decision consider the RMAC's recommendation for conservation easements to be placed on these wetlands.

The RMAC is a legislatively created body charged to work with NHDES to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and

Jared Chicoine
Chair, Council on Resources and Development
2019 SLR 006, October 21, 2019
Page 2

Development or the Long Range Capital Planning and Utilization Committee, whichever is the first point of review, on the merits of such disposals.

Should you have any questions regarding this letter, please feel free to contact me at 603.796.2615 or MLT@naturesource.net. We look forward to your response.

Sincerely,



Michele L. Tremblay
Chair

cc: John Cloutier, Chair, Long Range Capital Planning and Utilization Committee
Jay Diener, Chair, Hampton Conservation Commission
Governor Chris Sununu
Michael J. Cryans, Councilor, New Hampshire Executive Council
Andru Volinsky, Councilor, New Hampshire Executive Council
Russell E. Prescott, Councilor, New Hampshire Executive Council
Theodore L. Gatsas, Councilor, New Hampshire Executive Council
Debora Pignatelli, Councilor, New Hampshire Executive Council
Chris Aslin, Senior Assistant Attorney General, Attorney General's Office
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

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Mark Hemmerlein
NH Department of
Transportation

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

Alexx Monastiero
NH Department of
Safety

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

October 21, 2019

The Honorable John Cloutier, Chair
Long Range Capital Planning and Utilization Committee
Legislative Office Building, Room 201
Concord, NH 03301

RE: CORD 2019 Surplus Land Review 006 Hampton

Dear Chair Cloutier and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its concern with the recommendation made by the New Hampshire Council on Resources and Development (CORD) to approve the sale of the state-owned liquor store properties on Interstate 95 in Hampton without ensuring that the wetlands surrounding the existing developed areas are guaranteed protection.

The RMAC transmitted the attached letter to CORD based on thoughtful deliberation and subsequent vote at its August 2, 2019 meeting pursuant to RSA 483:8 VII and RSA 483:14 regarding the proposed sale. RMAC representatives were concerned about the impact of additional development on the adjacent Taylor River, prime wetlands, and other wetlands particularly in light of future sea level rise, salt marsh migration, and groundwater rise. *The RMAC therefore voted to approve the sale with a conservation easement placed on the wetlands.*

Having read the CORD meeting summary and having been provided with a synopsis of the meeting by RMAC staff who attended, the committee is not confident that its conditional recommendation was considered in CORD's recommendation to the Long Range Capital Planning and Utilization Committee. The RMAC has sent a letter to CORD asking them to reconsider its decision based on the RMAC's original letter, and have attached it for your reference.

We respectfully request that the Long Range Capital Planning and Utilization Committee consider the RMAC's recommendation. The subject property includes a large area of sensitive tidal wetlands which provide important flood storage and natural stormwater treatment. It is the RMAC's understanding that these wetlands provide vital habitat for wildlife. Given the state's response to climate change with a number of resiliency strategies which move development away from flood prone areas and protect wetlands that provide storage and treatment, as well as New Hampshire's finding outlined in RSA 9-B that clean water, wildlife habitat, and open space are among the state's most valuable assets, the RMAC believes strongly that its recommendation to require a conservation easement is in the best interests of these important natural areas, wildlife, and public safety.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers

Management and Protection Program. The Governor and Council appointed Committee is composed of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and the Council on Resources and Development or the Long Range Capital Planning and Utilization Committee, whichever is the first point of review, on the merits of such disposals.

Should you have any questions regarding our recommendation, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: Jared Chicoine, Chair, CORD
Jay Diener, Chair, Hampton Conservation Commission
Governor Chris Sununu
Michael J. Cryans, Councilor, New Hampshire Executive Council
Andru Volinsky, Councilor, New Hampshire Executive Council
Russell E. Prescott, Councilor, New Hampshire Executive Council
Theodore L. Gatsas, Councilor, New Hampshire Executive Council
Debora Pignatelli, Councilor, New Hampshire Executive Council
Chris Aslin, Senior Assistant Attorney General, Attorney General's Office
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Tom O'Donovan, Director, Water Division, NHDES
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

December 12, 2019

Jared Chicoine, Director
NH Office of Strategic Initiatives
Governor Hugh J. Gallen State Office Park
Johnson Hall, 3rd Floor
107 Pleasant Street
Concord, NH 03301

Re: Notice - Land Interest Merger Cascade Marsh, Sutton

Dear Mr. Chicoine:

This letter is the official Notice to the Council on Resources and Development for the proposed purchase of a 123 acre parcel (Parcel) by the NH Fish and Game Department from Daniel Holland in the Town of Sutton. The Parcel is abutting to and will become part of the 337+/- acre Cascade Marsh Wildlife Management Area (WMA) owned in fee by the Department.

There is approximately 118 acres of the 123 acre Parcel encumbered with a NH Land Conservation Investment Program (LCIP) conservation easement, currently held by the Department. The additional 5+/- acres are a reserved house lot outside of the easement area. Acquiring this Parcel in fee will eliminate any future development of the house lot and any potential confusion regarding easement language and allowable uses of the land. At the same time it will increase the Department's control, access and enforcement ability along with further protecting the property and enhancing our WMA system.

This Parcel will continue to be monitored by the Conservation Land Stewardship Program, who is by statute responsible for the monitoring of all LCIP easements. The following language will be part of the deed:

NHFG acknowledges the terms and conditions of said Conservation Easement Deed and agrees to be bound thereby. This easement continues to be held in full force, for the benefit of the public, by the State for the purposes for which it was acquired.

I have attached the 1991 conservation easement and survey, and the draft deed from Mr. Holland to the NH Fish and Game Department for your reference.

REGION 1

629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2

PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3

225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

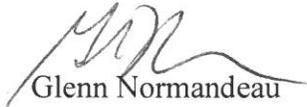
REGION 4

15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8799
email: reg4@wildlife.nh.gov

*Jared Chicoine, Director
NH Office of Strategic Initiatives
December 12, 2019
Page 2 of 2*

If you require any additional information or have questions regarding this notice, please contact Betsey McNaughten, Land Agent at 271-6640.

Sincerely,


Glenn Normandeau
Executive Director

GN/em
Enclosures: LCIP CE
Regional Map
Holland to NHFG Deed

Merrymeeting Marsh WMA, Troendle



Legend

- State
- County
- City/Town

Map Scale

1: 25,977

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Map Generated: 6/4/2019



Notes



CONSERVATION EASEMENT DEED

Dalphon Brothers, Inc., a corporation organized under the laws of the State of New Hampshire, with a principal place of business at RFD #1, Box 401, Andover, NH 03216, (hereinafter sometimes referred to as the "Grantor" which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs and/or assigns), for consideration paid, grant to the State of New Hampshire, acting through the Land Conservation Investment Program with a principal place of business at 2 1/2 Beacon Street, Concord, State of New Hampshire, being a public entity, contributions to which are deductible for federal income tax purposes pursuant to the United States Internal Revenue Code, (hereinafter sometimes referred to as the "Grantee" which word shall, unless the context clearly indicates otherwise, include the Grantee's successors and/or assigns), with WARRANTY covenants, in perpetuity the following described Conservation Easement on land in the Town of Sutton, County of Merrimack, State of New Hampshire, pursuant to New Hampshire RSA 477:45-47 and RSA 221-A, exclusively for conservation purposes, listed below.

1. CONSERVATION PURPOSES

- A. To assure that the Property will be retained forever in its undeveloped, scenic, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property.
- B. To preserve the land subject to this easement for outdoor recreation by and/or the education of the general public, through the auspices of the Grantee, its permitted successors or assigns.
- C. To protect the unusual natural habitat that serves as a critical buffer to Cascade Marsh, a wildlife management area owned by the State of New Hampshire and managed by the NH Fish & Game Department.
- D. To preserve open spaces, particularly the productive forest land, of which the land area subject to this easement granted hereby consists, for the scenic enjoyment of the general public and consistent with the clearly delineated conservation policy as set forth in New Hampshire RSA Chapter 79-A which states: "It is hereby declared to be in the public interest to encourage the preservation of open space in the state by providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, by maintaining the character of the state's landscape, and by conserving the land, water, forest, and wildlife resources", to yield a significant public benefit in connection therewith; and with NH RSA Chapter 221-A, which states: "The intent of the program is to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire by acquiring lands and interests in lands of statewide, regional, and local conservation and recreation importance."

Said purposes are all consistent and in accordance with the U.S. Internal Revenue Code, with respect to that certain parcel of land (herein referred to as the "Property") being unimproved land, more particularly bounded and described as set forth in Appendix "A" attached hereto and made a part hereof.

This Conservation Easement Deed does not constitute homestead property.

These significant conservation values are set forth in detail in baseline documentation entitled "Dalphond Brothers Easement Baseline Documentation" on file with the Grantee.

The Conservation Easement hereby granted with respect to the Property is as follows:

2. USE LIMITATIONS

A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities, except agriculture and forestry as described below, and provided that the capacity of the Property to produce forest and/or agricultural crops shall not be degraded by on-site activities and that such activities will not cause significant pollution of surface or subsurface waters or soil erosion.

i. For the purposes hereof "agriculture" and "forestry" shall include agriculture, animal husbandry, floricultural and horticultural activities; the production of plant and animal products for domestic or commercial purposes, for example the growing and stocking of Christmas trees or forest trees of any size capable of producing timber, and the processing and sale of products produced on the Property, for example, pick-your-own fruits and vegetables, maple syrup and other forest products; and the cutting and sale of timber and other forest products not detrimental to the purposes of this easement.

ii. Agriculture and forestry on the Property shall be performed to the extent reasonably practicable in accordance with a coordinated management plan for the sites and soils of the Property. Forestry and agricultural management activities shall be in accordance with the current scientifically based practices recommended by the U.S. Cooperative Extension Service, U.S. Soil Conservation Service, or other government or private natural resource conservation and management agencies then active. Management activities shall not materially impair the scenic quality of the Property as viewed from public waterways, great ponds, or public roads.

B. The Property shall not be subdivided or otherwise divided into parcels of separate distinct ownership and may be sold, transferred, devised or conveyed only in its entirety.

C. No dwelling, tennis court, swimming pool, dock, aircraft landing strip, tower, mobile home or other structures and improvements of any kind shall be constructed, placed or introduced onto the Property except for ancillary structures or improvements such as a road, utility, dam, fence, bridge, culvert, barn, maple sugar house or shed which only may be constructed, placed or introduced onto the Property as necessary in the accomplishment of on-site, land-based agricultural, forestry, conservation or non-commercial outdoor recreational uses of the Property and only so long as they are not detrimental to the purposes of this easement.

i. Such structures or improvements shall be sited to have minimal impact upon: the conservation values of the Property; the scenic views of and from the Property as viewed from public roads, trails and waters; the historic and archeological values; and forestry and agricultural production on the Property.

D. No removal, filling, or other disturbances of the soil surface, nor any changes in topography, surface or sub-surface water systems, wetlands, or natural habitat shall be allowed until all necessary federal, state and local permits and approvals are secured and unless such activities:

i. Are commonly necessary in the accomplishment of the forestry, agricultural, conservation, habitat management, or non-commercial outdoor recreational uses of the Property; and

ii. Do not harm state or federally recognized rare or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species; and

iii. Are not detrimental to the purposes of this easement.

E. No outdoor advertising structures such as signs and billboards shall be displayed on the Property except as necessary in the accomplishment of the agricultural, forestry, conservation or non-commercial outdoor recreational uses of the property and not detrimental to the purposes of this easement.

F. There shall be no mining, quarrying, excavation or extraction of rocks, minerals, gravel, sand, top soil or other similar materials on the Property, except in connection with any improvements made pursuant to the provisions of paragraphs A, C, D, or E above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.

G. There shall be no dumping, injection, or burial of materials then known to be environmentally hazardous, including vehicle bodies or parts.

H. The property shall not be used to meet any designated open space requirements as a result of the provisions of any subdivision approval or land use regulation process or in calculating allowable unit density.

3. RESERVED RIGHTS

A. Grantor reserves the right to maintain, repair or replace in-kind those utilities existing on the Property on the date of this conveyance. Such utilities shall include but not be limited to power and communication lines, subsurface sanitary waste disposal systems, and water supply facilities.

B. Grantor reserves the right to create ponds for the purpose of agriculture, fire protection, or wildlife habitat enhancement, in accordance with a plan developed by the U.S. Soil Conservation Service or other similar agency then active. The Grantor must notify the Grantee in writing before exercising this reserved right.

C. Grantor reserves the right to post against vehicles, motorized or otherwise.

SD. Grantor reserves the right to post against hunting around livestock fields when livestock are present and against access on agricultural cropland during the planting and growing season but only with respect to annually harvested crops and on forest land during the harvesting of forest products or during the establishment of orchards, tree plantations, or Christmas trees.

4. AFFIRMATIVE RIGHTS OF GRANTEE

A. The Grantee shall have reasonable access to the Property and all of its parts for such inspection as is necessary to maintain boundaries, to determine compliance and to enforce the terms of this Conservation Easement Deed and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Conservation Easement Deed.

B. There is hereby conveyed pedestrian access to, on and across the Property for hunting, fishing and transitory passive recreational purposes, but not camping, by members of the public; but the Property may be posted against such access or otherwise restricted by the Grantee in the public interest.

C. The Grantee shall have the right to flow and maintain water on the Property to an elevation equal to 6" above the elevation of the dam, as of the date of the execution of the Conservation Easement Deed, which dam is maintained by the State of New Hampshire on the adjacent property managed by the New Hampshire Fish & Game Department.

D. The Grantee shall have the right to post signs on the Property identifying it as land protected under the New Hampshire Land Conservation Investment Program for the uses allowed under this Conservation Easement

5. NOTIFICATION OF TRANSFER, TAXES, MAINTENANCE

A. Grantor agrees to notify the Grantee in writing within 10 days after the transfer of title of the Property.

B. Grantee shall be under no obligation to maintain the Property or pay any taxes or assessments thereon.

6. BENEFITS AND BURDENS

A. The burden of the easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of said easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferrable only to the State of New Hampshire or the U.S. Government or any subdivision of either of them consistently with Section 170 (c) (1) of the U.S. Internal Revenue Code, as amended, which government unit has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this easement. Any such assignee or transferee shall have like power of assignment or transfer. In accordance with RSA 221-A, under which this Conservation Easement Deed is acquired, "The sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited." (RSA 221-A:11)

7. BREACH OF EASEMENT

A. When a breach of this Easement comes to the attention of the Grantee, it shall notify the then owner (Grantor) of the Property in writing of such breach, delivered in hand or by certified mail, return receipt requested.

B. Said Grantor shall have 30 days after receipt of such notice to undertake those actions, including restoration, which are reasonably calculated to swiftly cure the conditions constituting said breach and to notify the Grantee thereof.

C. If said Grantor fails to take such curative action, the Grantee, its successors or assigns, may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including the Grantee's expenses, court costs and legal fees shall be paid by the said Grantor, provided the said Grantor is determined to be directly or indirectly responsible for the breach.

D. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the property resulting from natural events beyond Grantor control, including, and limited to fire, flood, storm, and earth movement or from any prudent action taken by Grantors under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

8. CONDEMNATION

A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor shall, and the Grantee at its sole option may, act to recover the full damages resulting from such taking with all incidental or direct damages awarded in the condemnation proceedings and all expenses incurred by them thereby to be paid out of the damages recovered.

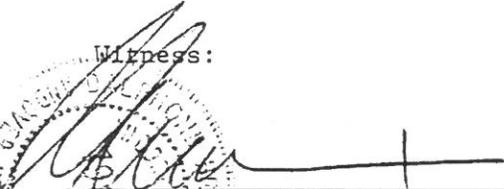
B. The balance of the damages (or proceeds) recovered shall be divided between Grantor and Grantee in proportion to the full and fair market values of the respective interest of the Grantor and Grantee in that part of the Property condemned, as determined immediately after the execution and delivery of this Conservation Easement, taken as a proportion of the sum of said values. Any increase in value attributable to improvements made after the date of this grant shall accrue to the party (Grantor or Grantee) who made the improvements. The Grantee shall use its share of the proceeds in a manner consistent with the conservation purposes set forth.

9. SEVERABILITY

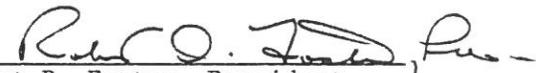
If any provision of this Easement, or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

The Grantee by accepting and recording this Conservation Easement Deed for itself, its successors and assigns, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein provided for and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Conservation Easement Deed is delivered.

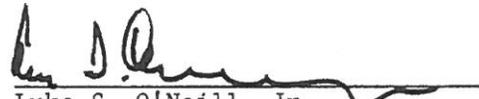
IN WITNESS WHEREOF, Dalphond Brothers, Inc. has caused this deed to be executed by Robert D. Foster, its President, hereunto duly authorized, and its corporate seal affixed, this 30th day of December, 1991.

Witness:

Simon C. Fleming
STATE OF NEW HAMPSHIRE
MERRIMACK, SS.

DALPHOND BROTHERS, INC.

By: 
Robert D. Foster, President

The foregoing instrument was acknowledged before me, this 30th day of December, 1991, by Robert D. Foster, President of Dalphond Brothers, Inc., a New Hampshire corporation, on behalf of the corporation.


Luke S. O'Neill, Jr.
Justice of the Peace

ACCEPTED: STATE OF NEW HAMPSHIRE

By: 
Will Abbott

Title: Executive Director
Executive Director, NH Land Conservation Investment Program

South $57^{\circ} 36' 53''$ East one thousand three hundred eighty-four (1384.00) feet to an iron rod set on the northerly sideline of Cotton Road, so-called; thence southwesterly along said Road to an iron rod set and at other land of Dalphond, said monuments on a tie course only of South $82^{\circ} 10' 07''$ West six hundred twenty-nine and seventy-six hundredths (629.76) feet; thence along other land of Dalphond the following courses and distances:

North $09^{\circ} 58' 11''$ West three hundred twenty-six and forty-six hundredths (326.46) feet to an iron rod set;

North $53^{\circ} 38' 03''$ West three hundred eighty-eight and seventy-four hundredths (388.74) feet to an iron rod set;

South $30^{\circ} 30' 13''$ West four hundred fifteen and seventy-two hundredths (415.72) feet to an iron rod set;

South $52^{\circ} 28' 22''$ West five hundred fifty-six and seven hundredths (556.07) feet to an iron rod set and on the northwesterly sideline of Cotton Road; thence in generally a southwesterly direction along said Road to a drill hole set in the start of a stonewall, said monuments on a tie course only of South $51^{\circ} 07' 21''$ West four hundred sixty-six and fifty-one hundredths (466.51) feet; thence

South $75^{\circ} 30' 25''$ West two hundred eleven and six hundredths (211.06) feet along said Road and said stonewall to a point at the end of said stonewall;

South $72^{\circ} 16' 07''$ West ninety-eight and eighteen hundredths (98.18) feet along said Road to a drill hole set at the start of a stonewall and at land now or formerly of David M. Rowe; thence along land of said Rowe and along said stonewall the following courses and distances:

North $02^{\circ} 45'$ East one hundred five and one tenth (105.1) feet to a corner in said stonewall;

South $86^{\circ} 30'$ East eleven and five tenths (11.5) feet to a corner in said stonewall;

North $08^{\circ} 15'$ East twenty-seven and seven tenths (27.7) feet to a corner in said stonewall;

South $82^{\circ} 15'$ East twenty-two and six tenths (22.60) feet to corner in said stonewall;

North $04^{\circ} 15'$ West four hundred sixty-one and eight tenths (461.8) feet to an iron pipe found and at land now or formerly of William Huntoon Heirs; thence along land of said Heirs and, in part, said stonewall the following courses and distances:

North $08^{\circ} 45'$ West one hundred seventy-six and one tenth (176.1) feet to a point at the end of said stonewall and the start of a barbed wire fence; thence along said barbed wire fence to an iron pipe found, said monuments on a tie course only of North $34^{\circ} 15'$ West three hundred twenty-four and six tenths (324.6) feet; thence continuing along said barbed wire fence to the end of said fence and the start of a stonewall, said points on a tie course only of South $89^{\circ} 30'$ West one hundred fifty-four and eight tenths (154.8) feet; thence along said stonewall to a point in a corner in said stonewall and at the juncture with a barbed wire fence, said points on a tie course only of South $69^{\circ} 45'$ West five hundred twenty-nine and six tenths (529.6) feet; thence

South $21^{\circ} 00'$ East sixty-five and six tenths (65.6) feet to an iron pipe found in said stonewall; thence

South $54^{\circ} 14'$ West two hundred seventeen (217.0) feet to a point in a corner of stonewalls and at land now or formerly of Serge M. St. Germaine and land now or formerly of William and Nancy Whitehead; thence

North $04^{\circ} 15'$ West five hundred twenty-six and two tenths (526.2) feet along land of said Whitehead and along said stonewall to a point at a corner of stonewalls and at land now or formerly of Clyde L. and Jacquelyn Heffernan; thence along, in part, said stonewall and land of said Heffernan the following courses and distances:

North $04^{\circ} 45'$ West eight hundred sixty-seven and four tenths (867.4) feet to a point;

North $15^{\circ} 00'$ East two hundred twenty-five and six tenths (225.6) feet to the end of said stonewall;

North $06^{\circ} 45'$ West two hundred eighty-seven and two tenths (287.2) feet to an iron pipe found and at land now or formerly of Harry M. Snow, III, and Paul S. Snow; thence along land of said Snow the following courses and distances:

North $06^{\circ} 35'$ West one hundred seventy-nine and eight tenths (179.8) feet to an iron pipe found;

North $05^{\circ} 45'$ West one hundred ninety-nine and eight tenths (199.8) feet to an iron pipe found;

North $05^{\circ} 15'$ West six hundred four and one tenth (604.1) feet to an iron rod found and at land now or formerly of Arthur E. Harkins, Jr.; thence along land of said Harkins the following courses and distances:

North $07^{\circ} 00'$ West two hundred twenty-eight and four tenths (228.4) feet to an iron pipe found;

North $87^{\circ} 00'$ West one thousand two hundred twenty-eight and nine tenths (1228.9) feet to an iron pipe found on the easterly sideline of Shaker Road; thence

North $03^{\circ} 39' 25''$ East fifty-four and ninety-six hundredths (54.96) feet to the point of beginning, said parcel containing one hundred seventeen and eighty-five hundredths (117.85) acres.

MERRIMACK COUNTY RECORDS

John L. Huay, Register

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS Daniel J. Holland, with a mailing address of 230 Lazell Street, Hingham, Massachusetts 02043 (the "Grantor"), for consideration paid, grants to THE STATE OF NEW HAMPSHIRE acting by and through its FISH AND GAME DEPARTMENT, with an address of 11 Hazen Drive, Concord, County of Merrimack, State of New Hampshire 03301 (the "NHFG"), the following:

A certain tract or parcel of land in Sutton, Merrimack County, New Hampshire, as shown on "Survey Plan, Land of Dalphond Brothers, Inc., Located in Sutton, New Hampshire," prepared by Kear-Wood Inc., of Wilmot, N.H., dated March 1991, and recorded in the Merrimack County Registry of Deeds as Plan #12324 (the "Property"), further bounded and described as follows:

Beginning at a point being an iron rod found on the easterly sideline of Shaker Road, so-called and at land now or formerly of Diane Parsons;

Thence South $86^{\circ} 30'$ East five hundred sixty-one and eight tenths (561.8) feet along land of said Parsons to an iron rod found;

Thence North $00^{\circ} 00'$ East one thousand seven hundred fifty-three and six tenths (1753.6) feet along land of said Parsons and along land now or formerly of Robert E. and Robin A. Williams, land now or formerly of Virginia A. Blass, land now or formerly of Thomas E. and Rae F. Voss, land now or formerly of Peter J. and Joanne Skeffington, and land now or formerly of Charles V. and Kathryn R. Sebring to an iron rod found;

Thence North $52^{\circ} 36' 47''$ West seven hundred thirty-five and twenty-four hundredths (735.24) feet along land of said Sebring to an iron rod found on the aforementioned Road;

Thence North $02^{\circ} 29' 51''$ West sixty-eight and thirty hundredths (68.30) feet along said Road to an iron rod set on the easterly side of a roadway and at land now or formerly of Kenneth West, Jr.;

Thence southerly and southeasterly by the easterly side of the road and along, in part land of said West and land now or formerly of State of New Hampshire, Department of Fish & Game, to an iron rod set, said monuments on a tie course only of South $46^{\circ} 30' 20''$ East two thousand fifty and ninety-five hundredths (2050.95) feet;

Thence continuing along land of said State the following courses and distances:

South 38° 01' 10" West two hundred sixty-eight and twenty-eight hundredths (268.28) feet to an iron rod set at witness tree found;

South 18° 18' 09" East five hundred sixty-two and ninety-seven hundredths (562.97) feet to a nail found and replaced with an iron rod set;

South 65° 49' 23" East six hundred twenty-one and seventy hundredths (621.70) feet to an iron rod set;

South 17° 57' 58" East one thousand one hundred three and ten hundredths (1103.10) feet to an iron rod set;

South 13° 40' 18" East one thousand three hundred forty-one and forty hundredths (1341.40) feet to an iron rod set;

South 57° 36' 53" East one thousand three hundred eighty-four (1384.00) to an iron rod set on the northerly sideline of Cotton Road, so-called;

Thence southwesterly along said Road to an iron rod set, said monuments on a tie course only of South 82° 10' 07" West six hundred twenty-nine and seventy- six hundredths (629.76) feet;

Thence southwesterly along said Road to an iron rod set, said monuments on a tie course only of South 43°.55' 57" West two hundred one and eighteen hundredths (201.18) feet; thence in generally a southwesterly direction along said Road to a drill hole set in the start of a stonewall, said monuments on a tie course only of South 51° 07' 21" West four hundred sixty-six and fifty-one hundredths (466.51) feet;

Thence South 75° 30' 25" West two hundred eleven and six hundredths (211.06) feet along said Road and said stonewall to a point at the end of said stonewall;

Thence South 72° 16' 07" West ninety-eight and eighteen hundredths (98.18) feet along said Road to a drill hole set at the start of a stonewall and at land now or formerly of David M. Rowe;

Thence along land of said Rowe and along said stonewall the following courses and distances:

North 02° 45' East one hundred five and one tenth (105.1) feet to a corner in said stonewall;

South 86° 30' East eleven and five tenths (11.5) feet to a corner in said stonewall;

North 08° 15' East twenty-seven and seven tenths (27.7) feet to a corner in said stonewall;

South 82° 15' East twenty-two and six tenths (22.6) feet to a corner in said stonewall;

North 04° 15' West four hundred sixty-one and eight tenths (461.8) feet to an iron pipe found and at land now or formerly of William Huntoon Heirs;

Thence along land of said Heirs and, in part, said stonewall the following courses and distances:

North 08° 45' West one hundred seventy-six and one tenth (176.1) feet to a point at the end of said stonewall and the start of a barbed wire fence;

Thence along said barbed wire fence to an iron pipe found, said monuments on a tie course only of North 34° 15' West three hundred twenty-four and six tenths (324.6) feet;

Thence continuing along said barbed wire fence to the end of said fence and the start of a stonewall, said points on a tie course only of South 89° 30' West one hundred fifty-four and eight tenths (154.8) feet;

Thence along said stonewall to a point in a corner in said stonewall and at the juncture with a barbed wire fence, said points on a tie course only of South 69° 45' West five hundred twenty-nine and six tenths (529.6) feet;

Thence South 21° 00' East sixty-five and six tenths (65.6) feet to an iron pipe found in said stonewall;

Thence South 54° 14' West two hundred seventeen (217.0) feet to a point in a corner of stonewalls and at land now or formerly of Serge M. St. Germaine and land now or formerly of William and Nancy Whitehead;

Thence North 04° 15' West five hundred twenty-six and two tenths (526.2) feet along land of said Whitehead and along said stonewall to a point at a corner of stonewalls and at land now or formerly of Clyde L. and Jacquelyn Heffernan;

Thence along, in part, said stonewall and land of said Heffernan the following courses and distances:

North 04° 45' West eight hundred sixty-seven and four tenths (867.4) feet to a point,

North 15° 00' East two hundred twenty-five and six tenths (225.6) feet to the end of said stonewall;

North 06° 45' West two hundred eighty-seven and two tenths (287.2) feet to an iron pipe found and at land now or formerly of Harry M. Snow, II, and Paul S. Snow; thence along land of said Snow the following courses and distances:

North 06° 35' West one hundred seventy-nine and eight tenths (179.8) feet to an iron pipe found;

North 05° 45' West one hundred ninety-nine and eight tenths (199.8) feet to an iron pipe found;

North 05° 15' West six hundred four and one tenth (604.1) feet to an iron rod found and at land now or formerly of Arthur E. Harkins, Jr.;

Thence along land of said Harkins the following courses and distances:

North 07° 00' West two hundred twenty-eight and four tenths (228.4) feet to an iron pipe found;

North 87° 00' West one thousand two hundred twenty-eight and nine tenths (1228.9) feet to an iron pipe found on the easterly sideline of Shaker Road;

Thence North 03° 39' 25" East fifty-four and ninety-six hundredths (54.96) feet to the point of beginning.

Subject to all easements, restrictions and covenants, if any, of record, including those right-of-way rights acquired by the New Hampshire Fish & Game Department in warranty deed of Dalphond Brothers, Inc. to New Hampshire Fish & Game Department, recorded December 22, 1972 at Book 1156, Page 221.

The major portion of the premises hereby conveyed (specifically, 117.85 acres out of 122.99 total acres, as shown on the Survey Plan entitled "Land of Dalphond Brothers, Inc., Located in Sutton, New Hampshire," dated March 1991, and prepared by John H. Morse, Licensed Land Surveyor, and recorded in the Merrimack County Registry of Deeds as Plan #12324) is conveyed subject to, and with the benefit of, the provisions of a certain Conservation Easement Deed of Dalphond Brothers, Inc. to the State of New Hampshire, acting through the Land Conservation Investment Program, dated December 30, 1991, and recorded in the Merrimack County Registry of Deeds at Book 1874, Page 333. NHFG acknowledges the terms and conditions of said Conservation Easement Deed and agrees to be bound thereby. This easement continues to be held in full force, for the benefit of the public, by the State for the purposes for which it was acquired.

Meaning and intending to describe and convey the same premises conveyed to grantor herein by Warranty Deed of Carl B. Hall, dated November 14, 2001, and recorded in the Merrimack County Registry of Deeds at Book 2313, Page 643.

This is raw land and not a homestead property.

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

This Property was acquired with funding received by the State through Grant Agreement F14AF01270 between the U.S. Fish and Wildlife Service (the Service) and the State of New

Hampshire Fish and Game Department as State. All present and future uses of the protected Property are and shall remain subject to the terms and conditions described in the Notice of Federal Participation (EXHIBIT A), attached hereto and recorded herewith in the Merrimack County Registry of Deeds, and to other administrative requirements of the applicable grant funding program of the Service.

SELLER:

Daniel J. Holland

STATE OF _____
COUNTY OF _____

I, hereby certify that Daniel J. Holland, personally appeared before me on this _____ day of _____, 2019, (known to me or satisfactorily proven) to be the person described in the foregoing instrument and acknowledged that she executed the same in the capacity therein stated and for the purpose therein contained.

Notary Public/Justice of the Peace
My Commission Expires:

ACCEPTED: STATE OF NEW HAMPSHIRE, FISH & GAME DEPARTMENT

The State of New Hampshire, acting through its Fish and Game Department on this day ____ of _____, 2019.

Glenn Normandeau, Executive Director

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared before me on this _____ day of _____, 2019, Glenn Normandeau, who acknowledges himself to be the Executive Director for the New Hampshire Fish and Game Department, and as such is duly authorized to executed the foregoing instrument for the purposes therein contained, by signing his name 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 # _____

EXHIBIT A
Notice of Federal Participation

The State of New Hampshire, Fish and Game Department and its successors and assigns (hereinafter "DEPARTMENT") acknowledges that the above described Property is acquired in part with federal funds received from the Wildlife Restoration Program administered by the U.S. Fish and Wildlife Service, Division of Federal Assistance and its successors and assigns (hereinafter "SERVICE") and that the Property is subject to all the terms and conditions of Grant Agreement F14AF01270, NH W-108-L-1 (hereinafter "GRANT AGREEMENT" between the Service and the Department). A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, MA 01035-9589 and at the offices of the Department, 11 Hazen Drive, Concord, NH 03301.

The Department acknowledges that the Property, which is the subject of this Grant Agreement, is acquired for the approved purpose of permanent protection of wild birds and mammals and their habitats. The Department further acknowledges that the Property will be administered for the long-term protection of these habitats and species dependent thereon. The Department, as the Grant Recipient hereby acknowledge that they are responsible for ensuring that the Property is used and will continue to be used for the approved purpose for which it is acquired and that the Property may not be conveyed or encumbered, in whole or in part, to any other party or for any other use, whatsoever, without the written consent of the Regional Director of the U.S. Fish and Wildlife 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 years, with a like Property of equal value at current market prices and equal benefits. Further, if the Property is used for activities that interfere with the accomplishment of the approved purpose, the violating activities shall cease and any resulting adverse effects shall be remedied.

If the Department determines that 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, either (1) acquire a property or other interest in land of equal value that serves the same approved purpose as the original property and manage the newly acquired property or other interest in land for the 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 to 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 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 regards to the acquired property pursuant to terms and conditions associated with Grant Agreement F14AF01270, NH W-108-L-1.

Glenn Normandeau, Executive Director

Date: _____



NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

State of New Hampshire, Department of Cultural Resources
19 Pillsbury Street, Concord, NH 03301-3570
TDD Access: Relay NH 1-800-735-2964
www.nh.gov/nhdhr

603-271-3483
603-271-3558
FAX 603-271-3433
preservation@dcr.nh.gov

December 11, 2019

Lisa Mausolf
Preservation Consultant
6 Field Pond Drive
Reading, MA 01867

Re: NHF&G, RPR 10797

Dear Lisa;

Thank you for requesting a determination of National Register eligibility for the property listed below. As requested, the Division of Historical Resources' Determination of Eligibility Committee has reviewed the *DHR Individual Inventory Form* prepared by you; based on the information available, the DOE Committee's evaluation of National Register eligibility is:

TOWN/CITY	PROPERTY	DETERMINATION
Brentwood	Brentwood Game Farm, 287 South Road, BRE0014	Eligible

A copy of the DHR evaluation form is attached for your use. The inventory data and the evaluation will also be added to the statewide survey database for historic properties in New Hampshire.

Please contact Megan Rupnik at 271-6435 or Megan.Rupnik@dncr.nh.gov if you have questions.

Sincerely,

Marika Labash
Review & Compliance Program Specialist

Enclosure

cc: Ben Wilson, Director / State Historic Preservation Officer
NH Fish & Game
OSI
CORD



New Hampshire Division of Historical Resources
Determination of Eligibility (DOE)

Inventory #: BRE0014

DOE Review Date: 12/11/2019

Date Received: 11/26/2019

Final DOE Approved: Yes

MK

Property Name: Brentwood Game Farm

Area:

Address: 287 South Road

Town: Brentwood

County: Rockingham

Reviewed For: R&C

DOE Program(s):
NH Fish and Game

Determination of Eligibility:

National Register eligible, individually		Integrity: Yes	Level: State		
Criteria:	A: Yes	B: No	C: Yes	D:	E:

Areas of Significance(s):

Architecture

Agriculture

Period of Significance: 1948 to 1973

Boundary:

Recommended National Register boundary is tax parcel 223/10.

Statement of Significance:

Leased by the NH Fish and Game Department in 1948 and then purchased in 1951, this game farm was the in-state source of pheasant for the recreational hunting economy between 1948 and 1973 when it closed. The form lays out the history of the Department related to pheasant hunting, explains the raising and distribution of pheasants in New Hampshire, and concisely describes the history of the buildings and landscape of the farm. The DOE Committee concurred that the property is eligible for listing in the National Register under Criteria A and C.

Comments:

Follow Up:

Notify appropriate parties

New Hampshire Council on Resources and Development

NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



APPENDIX A

TDD Access: Relay NH
1-800-735-2964

December 14, 2016

Brad W. Simpkins, Director
New Hampshire Division of Forests and Lands
NH Department of Resources and Economic Development
Brad.Simpkins@dred.nh.gov

Chris Gamache, Chief
NH Trails Bureau
Department of Resources and Economic Development
Division of Parks and Recreation
Christopher.Gamache@dred.nh.gov

Dear Director Simpkins and Chief Gamache:

On December 8, 2016 the Council on Resources and Development made several decisions regarding ATV trail use in Nash Stream Forest and whether such use is consistent with the principles set forth in RSA 162-C:6 for management of LCIP lands.

Concerns about the establishment of the two existing Nash Stream ATV trails – West Side Trail and Kelsey Notch Trail – were brought to the Council's attention by the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests and The Nature Conservancy in a letter dated May 5, 2016.

In response, the Council adopted the enclosed Findings, which includes General Findings for any ATV use in Nash Stream Forest, as well as Findings specific to West Side Trail and to Kelsey Notch Trail.

In addition, the Division of Forest and Lands submitted a Nash Stream Forest OHRV Briefing Paper and requested guidance from the Council on three proposed ATV trail options for

inclusion in the 2016 revision of the Nash Stream Management Plan. The Council's guidance is based on consistency with the principles of RSA 162-C:6 for the management of LCIP lands.

The Council determined that both Options 1 and 2, as proposed in the Briefing Paper, are consistent with the principles set forth in RSA 162-C:6, with West Side Trail and Kelsey Notch Trail each subject to the specific conditions outlined in the Council's December 8, 2016 Findings. The Council further determined that Option 3, as proposed in the Briefing Paper, is not consistent with the management vision for Nash Stream Forest nor with the principles set forth in RSA 162-C:6.

The Council's motion regarding the proposed options for the Nash Stream Management Plan is enclosed at the end of this document.

Please be in touch with questions or concerns.

Best wishes,



Amanda A. Merrill
Director, Office of Energy and Planning
Chair, Council on Resources and Development

cc: CORD Members
Jeffrey Rose, Commissioner, Department of Resources and Economic Development
Phil Bryce, Director, Division of Parks and Recreation, DRED
Christopher G. Aslin, Assistant Attorney General, Department of Justice
Susan Arnold, Vice President for Conservation, Appalachian Mountain Club
Matt Leahy, Public Policy Manager, Society for the Protection of New Hampshire Forests
Jim O'Brien, Director of External Affairs, The Nature Conservancy
Will Abbott, Vice President for Policy and Reservation Stewardship, Society for the Protection of New Hampshire Forests
Larry Gomes, Nash Stream OHRV Task Force

New Hampshire Council on Resources and Development

NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

FINDINGS REGARDING ATV/UTV USE IN NASH STREAM FOREST **ADOPTED BY CORD ON DECEMBER 8, 2016 (8-0)**

General Findings:

The Council finds that in order to perform its statutory duty to manage LCIP lands, members must review and find that any use of ATV/UTVs, as currently defined by statute, within Nash Stream Forest is consistent with the principles set forth in RSA 162-C:6 prior to implementation.

CORD further finds that any ATV/UTV use in Nash Stream Forest must be limited to specific ATV/UTV trails approved by CORD in advance. In order to be consistent with the principles set forth in RSA 162-C:6, CORD finds that each proposed ATV/UTV trail must meet the following conditions: (1) the trail must be designed, sited, and used so that it preserves and does not adversely impact natural resources and conservation attributes of the property and does not interfere with or detract from the other uses of Nash Stream Forest; (2) the trail must be authorized in a current management plan, which has been reviewed by CORD for consistency with RSA 162-C:6 and has had appropriate public and state agency input; (3) the trail must comply with the requirements of RSA 215-A and all other applicable ATV/UTV and environmental regulations and standards, and the state's most recently adopted best management practices for trail construction and erosion control; (4) after construction, the trail must be continually managed to protect natural resources and conservation attributes and to limit interference with other uses of Nash Stream Forest; (5) CORD must be adequately informed on an ongoing basis of the status of management, maintenance, and enforcement efforts related to ATV/UTV use, as well as impacts of ATV/UTV trails on the Nash Stream Forest; and (6) CORD reserves the right to periodically reassess whether ATV/UTV use in the Nash Stream Forest, or on any of the trails therein, remains consistent with RSA 162-C:6 and reserves the right to temporarily or permanently close trails if necessary as circumstances change over time.

West Side Trail:

The Council finds that the use of ATV/UTVs on the West Side Trail, as currently managed, is consistent with its management obligations under RSA 162-C:6 as long as: (1) the memoranda of agreement required by RSA 215-A:42 relating to monitoring, maintenance, and enforcement

remain up-to-date and contain sufficient detail and safeguards to ensure that the trail is maintained in a safe and environmentally appropriate manner; and (2) conditions and use of the trail do not change in such a way that makes continued use of ATV/UTVs on the West Side Trail inconsistent with the requirements of RSA 162-C:6 as determined by CORD.

Kelsey Notch Trail:

The Council finds that, based on current available information, it is not able to determine at this time whether continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with CORD's management obligations under RSA 162-C:6. In order to assist in this determination, CORD requests the following additional information regarding the use, maintenance, and impacts of ATV/UTVs at this location:

1. By the January 12, 2017 CORD meeting, DRED shall submit to CORD for review the following:
 - a. An updated coarse and fine filter analysis of the Kelsey Notch Trail, pursuant to RSA 215-A:43;
 - b. An interagency memorandum of understanding, pursuant to RSA 215-A:42; and
 - c. Written agreements between DRED and a local ATV/UTV club, pursuant to RSA 215-A:42.
2. At such time that CORD has reviewed the information above and determined that it is sufficient for the Kelsey Notch Trail to provisionally re-open for ATV/UTV use, DRED shall then submit the following to CORD for review as they become available:
 - a. The annual reports required pursuant to the interagency memorandum of understanding; and
 - b. Such additional reasonable and appropriate studies, data, and information as CORD may require to adequately assess whether the continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6.
3. CORD will assess this additional information for three years (beginning in 2017) and at the end of this time period, or at any other time as circumstances dictate, CORD shall determine, based on available information:
 - a. That additional information and assessment is necessary to determine whether the use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6; or
 - b. That use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6, subject to the general conditions for any ATV/UTV use in Nash Stream Forest; or
 - c. That ATV/UTV use on the Kelsey Notch Trail is not consistent with RSA 162-C:6 and the trail shall cease to be open for ATV/UTV use.
4. During the pendency of CORD's review of the Kelsey Notch Trail no expansion of the area of disturbance for ATV/UTV use shall be permitted without prior CORD approval.

MOTION ON GUIDANCE TO DRED REGARDING ATV TRAIL OPTIONS
FOR 2016 REVISED NASH STREAM FOREST MANAGEMENT PLAN

“In looking at the three options presented to CORD from DRED, and given the preliminary findings of the Technical Team, Option 3 would not be consistent with both the management vision as well as RSA 162-C:6. Both Option 1, keeping the status quo, and Option 2, keeping OHRV use consistent with the 2002 Management Plan amendment, would be consistent with both the management vision and CORD’s LCIP responsibilities. However, Option 1 needs to reflect CORD’s determination earlier in today’s meeting.”

Adopted by Council on Resources and Development (7-0)
December 8, 2016

MEMORANDUM OF UNDERSTANDING

between
 NH Fish and Game Department
 and
 NH Department of Resources and Economic Development, Bureau of Trails
 and
 NH Department of Resources and Economic Development, Division of Forests and Lands
 for the purposes of
 Monitoring, Maintaining and Enforcing Public OHRV Use
 on
 "West Side Trail" and "Kelsey Notch Pilot Trail"
 in
 Nash Stream Forest

Pursuant to RSA 215-A:42, I (b), this interagency agreement (the MOA) is entered into, by and between, the New Hampshire Fish and Game Department, (NHF&G), and the New Hampshire Department of Resources and Economic Development (DRED) through the Bureau of Trails and the Division of Forests and Lands, for the purpose of managing public OHRV trails to be known as "Kelsey Notch Pilot Trail" and "West Side Trail", as depicted on a map here attached as Exhibit A, upon state-owned land under the management of DRED, known as Nash Stream Forest.

Whereas, Nash Stream Forest was acquired by the State through the Land Conservation Investment Program and pursuant to RSA 162-C:6, the Council on Resources and Development is responsible for management and administration of lands acquired under the LCIP so as to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire, and

Whereas, Off Highway Recreational Vehicles to include All Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) are rapidly becoming an outdoor recreational activity popular to the North Country economy of the State of New Hampshire, by adding much needed revenue opportunities to some North Country businesses, and

Whereas, pursuant to RSA 215-A:3, DRED - Bureau of Trails is responsible for the coordination between DRED - Division of Forests and Lands, NHF&G, and the Department of Transportation (NHDT) with respect to matters pertaining to OHRVs and snowmobiles; including ATVs and UTV's, and

Whereas, pursuant to RSA 227-G:3(I)(c), the Director of Forests and Lands is responsible for the execution of all matters pertaining to the use of state reservations, except matters pertaining to the recreational development, administration, and maintenance, which shall be done in cooperation with the director of the DRED - Division of Parks and Recreation, with the approval of the Governor and Executive Council as required, and

Whereas, pursuant to RSA 215-A:16 and RSA 227-G:7, DRED Forest Rangers are recognized law enforcement officers with authority to enforce OHRV laws on public lands; and

Whereas, pursuant to RSA 215-A:32, the Executive Director of NHF&G is responsible for the adoption and implementation of rules and administrative procedures for public OHRV riding, necessary for the safety of riders and passengers and the protection of property, and

Whereas, pursuant to RSA 215:16, NHF&G is authorized to enforce OHRV laws within the state of NH;

Therefore, NHF&G and DRED (together the Parties), agree as follows:

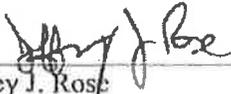
1. NHF&G will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to the operation of OHRVs.
2. DRED - Bureau of Forest Management, in collaboration with NHF&G, will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to the condition and maintenance of the trail per the agreement between DRED and the locally organized OHRV club (RSA 215-A.c), to ensure water quality laws are not violated. Such required agreement for West Side Trail between the DRED and North Country ATV Club being here attached as Exhibit B, and such required agreement for the Kelsey Notch Pilot Trail between DRED and Metallak ATV Club being here attached as Exhibit C.
3. DRED enforcement staff will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to operation of OHRVs, and protection of the property.
4. Once a year, by October 15th, the Parties will provide an enforcement report to the Nash Stream Forest Citizens Committee and to the Council on Resources and Development. The report shall include the number and type of violations and warnings, OHRV accidents, a statement of enforcement related concerns and successes, and any input on ways to promote better safety and education to the riders.
5. DRED Bureau of Trails, in concert with the local club noted in the MOA for the specific trail, will monitor and maintain the approved trails in a safe and environmentally responsible manner using best management practices as described in "Best Management Practices for Erosion Control during Trail Maintenance and Construction," or any successor publication.
6. Once a year, by October 15th, the following staff representing the Parties will provide an environmental compliance report (the Report) to the Nash Stream Forest Citizens Committee and to the Council on Resources and Development:
 - DRED Trails Bureau District #1 Supervisor, or designee
 - DRED Division of Forests and Lands North Region Forester, or designee
 - F&G Region 1 Wildlife Biologist, or designee

The Report shall include the dates of each inspection, photographs (particularly of stream crossings), a narrative of trail conditions as they relate to environmental resources, any water quality violations, and recommendations including a timeline for remediations or repair work necessary to bring the trails into compliance with water quality regulations.

7. The Parties will work with the local recognized clubs to provide safety education to the public, and the Parties will also provide technical guidance to the clubs on proper OHRV trail maintenance.
8. The Parties agree that each will work cooperatively to provide safe and environmentally responsible riding opportunities to these OHRV trails, and recognize that failing to properly maintain these trails to avoid water quality violations and/or damages to aquatic

resources and wildlife habitat could lead DRED and/or NHF&G to suspend the MOA in writing by 30 day notification to the other party until appropriate maintenance has been performed, or suspend indefinitely, depending on the severity of the damage.

1-3-17
Date



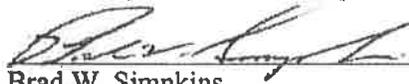
Jeffrey J. Rose
Commissioner
Department of Resources and Economic Development

1/5/2017
Date



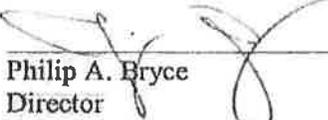
Glenn Normandeau
Executive Director
New Hampshire Fish and Game Department

1/3/17
Date



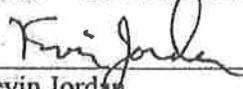
Brad W. Simpkins
Director
DRED - Division of Forests and Lands

1-3-17
Date



Philip A. Bryce
Director
DRED - Division of Parks and Recreation

1/5/17
Date



Kevin Jordan
Colonel
New Hampshire Fish and Game Department

Kelsey Notch Trail Environmental Compliance Report 2019

Date Reviewed: September 23, 2019

In attendance: Will Staats (NHFG) , Clint Savage (NH Trails Bureau), and Maggie Machinist (NH Forests and Lands)

Overview- The Department of Natural and Cultural Resources is required to complete and submit an environmental compliance report to CORD annually. This report is a requirement of the conditional approval to keep the Kelsey Notch Trail open.

Recommendations from 2018

-The bridges need to be re-decked to alleviate safety concerns

-Fascia boards should be added to the bridges to eliminate sediment getting into the brooks.

Worked completed in 2019

In mid-June, Chris Gamache, from the Trails Bureau, put out a trail counter on the Kelsey Notch Trail for the OHRV season. The information has not yet been gathered.

On August 8, Clint inspected the trail in Kelsey. The trail was in good shape. The bridges on the trail that heads towards Diamond Peaks need some work, including re-decking. The ATV Club did receive a GIA Grant from the Trail Bureau to rebuild 5 bridges. Unfortunately, due to the continuing resolution with the State budget the money for the project was unavailable. Once the budget passed, the materials for the bridges were ordered. However, at this point the bridges are planned to be installed in the spring.

On September 17, 2019, the Bureau of Trails began grading and rock raking the entire Kelsey Notch trail system.

On October 14, 2019, Clint checked the trail while the Trails Bureau was working on an abutting property. When the abutter's work was complete, the bulldozer dressed up the Kelsey Notch trail and addressed any issues now that the trail was closed for the season.

Findings

On September 23, 2019 the Kelsey Notch trail was reviewed by the Trails Bureau District Supervisor-Clint Savage, Regional Wildlife Biologist- Will Staats and Regional Forester-Maggie Machinist as the official monitoring trip.

The entire trail had been graded just days before our visit, so the trail was in good condition and there was little evidence of wear on the trails.

Section 1- The section of the trail that was monitored first was the trail that heads northwest toward Colebrook and Diamond Peaks. We walked out to the property line. Last year there was a recommendation to re-deck the bridges and add fascia boards to eliminate sedimentation. The Trails Bureau had plans to re-deck these bridges this past summer, however, due to the continued resolution and budget constraints they were unable to. The bridges are safety concerns and need to be addressed as soon as possible.

The first pitch on the trail right from the intersection is usually a trouble spot that has had erosion issues in the past, however, the trail was just recently graded and that section was repaired before our visit.

There was minor wear on the trail toward the end near the boundary line and some evidence of siltation in the ditches but overall this section of trail was in good condition following the maintenance.



Figure 1 and 2- Shows the broken boards on the bridges that need to be replaced.

Section 2- Next we headed up toward Kelsey Notch and the boundary line. This main section had been re-shaped and water diversion devices (rubber flaps) had been installed on the main hill last year. Due to the recent grading and trail maintenance, the trail was in good condition all the way to the boundary.

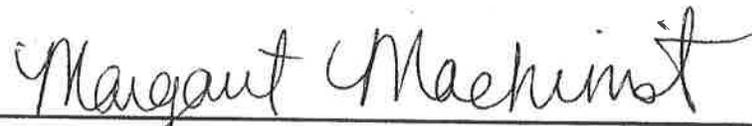
Recommendations-

There were a couple of recommendations made from last year that did not occur that need to be completed this upcoming season in order to continue to approve the trail:

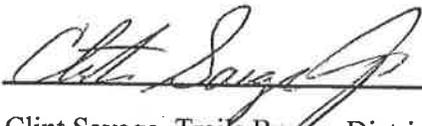
-The bridges need to be re-decked to alleviate safety concerns

-Fascia boards should be added to the bridges to eliminate sediment getting into the brooks.

Conclusion- The trail had just been re-shaped and graded from top to bottom, therefore the condition of the trail when we were there was very good. It is imperative that the bridges be re-decked as soon as possible once the trail is opened. It will be interesting, once the data comes in from the counters to see how much usage the trail has throughout the season. The trail appears to be in compliance with expectations, however, it will be continued to be monitored next season. It would be beneficial to visit the trail earlier in the summer before annual maintenance is completed to see the level of use and visit several times throughout the season. The trail is closed for the season.



Margaret Machinist, Regional Forester



Clint Savage, Trails Bureau District Supervisor

Will Staats, Regional Wildlife Biologist (retired before this report was completed)

STATE OF NEW HAMPSHIRE
FISH AND GAME DEPARTMENT

Intra-Department Communication

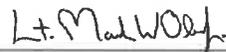
TO: Nash Stream Forest Citizens Committee
Council on Resources and Development

FROM: Lt. Mark W. Ober, Jr.
District One Chief

DATE: October 14, 2019

SUBJECT: 2019 NASH STREAM ENFORCEMENT MEMO

OHRV enforcement actions in the Kelsey Notch Pilot Trail and West Side Trails of the Nash Stream Forest was uneventful during the 2019 OHRV riding season. There was one documented warning to a rider who had operated from the Stratford Trail system to the West Side Trail when the trail was supposed to be closed. This violation occurred after the opening of the trail system, but Stratford delayed their opening and did not properly sign the trail closed. There were no reported accidents or crashes on these trails throughout the riding season.



Lt. Mark W. Ober, Jr.
District One Chief

