

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, March 12, 2020
Johnson Hall, 3rd Floor Conference Room
107 Pleasant Street, Concord, NH
Time - 9:30 A.M.

FINAL AGENDA

Packet Page #:

- I. ROLL CALL AND INTRODUCTIONSN/A**
- II. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)N/A**
 Summary of 2016 Nash Stream Forest Finding – Michael Klass, OSI

[Note: An opportunity for public comment regarding Nash Stream Forest trail use will be provided at a future CORD meeting, with a date and time to be determined.]

- III. MINUTES.....1**
 Approval of January 9, 2020 draft minutes
- IV. INTRODUCTION TO NH STATE NAMES AUTHORITYN/A**
 Ken Gallager, OSI
- V. SURPLUS LAND REVIEW**
 - A. 2020 SLR 001 (Concord).....6**
 Request from the Department of Administrative Services to grant a utility easement on state land located within Gov. Hugh J. Gallen State Office Park Campus.
- VI. OTHER BUSINESS**
 - A. Confirming receipt of correspondence from public dated January 30, 2020 concerning ATVs and State Lands20**
 - B. 2020 Smart Growth Report UpdateN/A**

Reminder – Tentative 2020 Meeting Dates

January 9	March 12	May 14
July 9	September 10	November 12

New Hampshire Council on Resources and Development

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DRAFT Minutes – January 9, 2019

MEMBERS PRESENT

Jared Chicoine, Chair, Director, NH Office of Strategic Initiatives
Glenn Normandeau, Executive Director, NH Fish and Game Department
Tracy Boisvert, Designee, NH Department of Natural and Cultural Resources
John B. Martin, Designee, NH Department of Health and Human Services
Marta Modigliani, Designee, NH Department of Safety
Tim Drew, Designee, NH Department of Environmental Services
Christopher Miller, Designee, NH Housing Finance Authority
Christopher Way, Designee, NH Department of Business and Economic Affairs
Adam Smith, Designee, NH Department of Transportation

OTHERS PRESENT

Lisa Cota-Robles, NH Office of Strategic Initiatives
Michael Klass, NH Office of Strategic Initiatives
Danielle Craver, NH Office of Strategic Initiatives
Stephen Walker, NH Office of Strategic Initiatives
Andrew Davis, NH Liquor Commission
Allen Brooks, NH Department of Justice
Jared Nylund, Department of Administrative Services
Paul Godfrey, HNTB
Dijit Taylor, LCHIP
Betsey McNaughten, NH Fish & Game Department
Larry Spencer, NH Rivers Management Advisory Committee

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 9:36 AM by Chairman Chicoine. CORD members and guests then introduced themselves.

II. MINUTES

A. Approval of November 14, 2019 draft minutes

Mr. Klass stated that Mr. Drew found two errors (misspelled Director Normandeau's first name and used Mr. Drew's incorrect title) and that those errors will be corrected.

MOTION: On a motion by Director Normandeau, seconded by Mr. Drew, the November 14, 2019 minutes, as amended, were approved unanimously by the Council.

III. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Dijit Taylor - Executive Director, LCHIP. Request for 2020 distribution of Community Conservation Endowment monitoring funds

Ms. Taylor gave a brief overview of LCHIP and what the Community Conservation Endowment does for LCHIP protected properties. Ms. Taylor stated she is required to come to CORD annually for permission to draw money from the Community Conservation Endowment for the incentive payments that are given to land owners who correctly submit a monitor report of their LCHIP protected properties. She went on to say that they will need \$87,200 for the 2019 incentive payments.

Mr. Drew asked if there were one or more reasons why the program appears to be growing, stating that there are more units reported every year. Ms. Taylor answered that it was because LCHIP has given out more grants for land conservation and historic preservation in NH, and that it was an indication of the success of the program.

MOTION: On a motion by Mr. Way, seconded by Mr. Miller, the Council unanimously moved to endorse an expenditure of \$200 per unit up to \$87,200 from the LCHIP Community Conservation Endowment fund as incentive payments for LCHIP grant recipients who submitted annual reports documenting timely monitoring and acceptable conditions of LCHIP-assisted resource conservation and protection projects in calendar year 2019.

IV. SURPLUS LAND REVIEW

A. 2019 SLR 06 (Hampton) New Hampshire Rivers Management Advisory Committee's request for reconsideration

Chairman Chicoine noted that CORD received a letter from RMAC dated October 21st requesting reconsideration of CORD's recommended disposal that took place on September 12, 2019. He further noted that CORD does not have a process for reconsideration and asked Mr. Brooks to speak to the point. Mr. Brooks stated again that here is no formal process for a CORD reconsideration, especially for this type of decision, as it is a recommendation and not an

adjudicatory hearing under RSA 541. CORD could take the request from RMAC and decide to revisit the issue and address the concerns stated in the October 21, 2019 letter from RMAC.

After asking for and hearing no questions for Mr. Brooks, Chairman Chicoine stated that it was not CORD's intention to give the impression that CORD omitted RMAC's concerns and that there was a strong environmental protection statement included in CORD's recommendation for disposal. Chairman Chicoine then proposed that CORD send a letter to Long Range, including the original letter from RMAC dated August 2, 2019 so they have it.

Mr. Way asked if such letter would change CORD's original recommendation. Chairman Chicoine said that it would not, but would make Long Range aware of the RMAC letter to CORD.

Mr. Spencer stated that RMAC is concerned that the parcel has sensitive environmental properties and they were concerned that the wetlands, sea level rise and ground water changes should be taken under consideration when delivering this piece of property to an individual who may not know about these concerns. Mr. Spencer then asked if the conservation easement recommendation would be imposed by Long Range.

Chairman Chicoine noted that Long Range ultimately makes the decision on these issues of disposal. CORD makes a recommendation and then it is up to them. Today CORD is forwarding the August 2, 2019 letter RMAC sent to CORD as part of the final action packet that CORD sent to Long Range.

Mr. Way reiterated that he felt that CORD gave this issue due consideration when recommending disposal and is satisfied with the outcome. Commissioner Normandeau agreed and stated that whoever ends up in the fee ownership will be required to go through a typical wetlands permitting process, and conservation commission review, so he doesn't believe there is a large risk that these environmental concerns will not be addressed. Mr. Drew then added that NH DES feels that these issues will be worked out through the RFP process and if the NH Liquor Commission can find an environmentally sensitive contractor it may have a better outcome than the original recommendation and that he also agrees with Mr. Way and Commissioner Normandeau.

MOTION: On a motion by Mr. Miller, seconded by Mr. Way, the Council unanimously approved sending a letter to Long Range stating the following, and including a copy of the August 2, 2019 RMAC letter to CORD:

Pursuant to RSA 483:8, VII, the Council on Resources and Development ("CORD") can only recommend land for disposal upon recommendation of the Rivers Management Advisory Committee ("RMAC"). On September 12, 2019, CORD recommended disposal of land identified in 2019 SLR 006. This recommendation explicitly included conditions developed by CORD. CORD hereby clarifies that, consistent with RSA 483:8, VII, its recommendation includes by reference the contents of the letter from RMAC to CORD dated August 2, 2019.

V. OTHER BUSINESS

A. Land Conservation Investment Program - Receipt of 12/12/19 NHF&G letter re: Notice of Land Interest Merger (Cascade Marsh, Sutton)

Ms. McNaughten explained that the land is under this LCIP easement was put up for sale and the land owner contacted NH Fish & Game to see if they were interested in purchasing fee, which they were. She went on to say that the fee and easement are now owned by NH Fish & Game, and the easement, which is monitored by the Conservation Land Stewardship, will remain intact. This is the notification to CORD of this fee purchase.

B. 2019 SLR 004 (Brentwood) - Receipt of 12/11/19 DHR letter re: eligibility

Chairman Chicoine stated that this is acknowledgement that the evaluation has happened and the determination was eligible. Mr. Drew asked Ms. Boisvert what the next step is after it is deemed to be eligible. Ms. Boisvert did not have the immediate answer to that on hand, but will find out.

C. Annual Nash Stream Forest Reports

Ms. Boisvert reviewed the decision that allowed ATV use at Nash Stream State Forest. She went on to say that under the agreement there is a condition that monitoring reports are to be submitted annually regarding the condition of Kelsey Knot Trail in Nash Stream State Forest and that NH Fish & Game also includes enforcement issues in this report. Ms. Boisvert has submitted the findings from the Nash Stream Forest annual monitoring report.

Mr. Drew noted that he was pleased to see the great work up there with almost no violations and the high level of trail maintenance. Director Simpkins, Chief Gamache, and Lt. Ober deserve special recognition and are making CORD's job easier. He went on to observe that the ATV users have been very responsible, and he was pleased to see the low number of instances this year.

Chairman Chicoine informed members that at some point CORD would need to further discuss the Kelsey Notch trail. Pursuant to Section 3 of CORD's Findings (found at page 38 of the meeting packet), after three years of assessment which began in 2017, CORD is required to make a determination concerning use of Kelsey Notch Trail. At next meeting we should talk about this further.

Ms. Boisvert added that there is a proposed house bill that is related to Nash Stream and ATV's (HB 1316). Mr. Klass said that he would circulate that language for everyone after the meeting.

D. 2020 Smart Growth Report reminder

Mr. Klass stated that state statute requires for CORD to issue a Smart Growth Report every four years and that the last one was in 2016, which means this will be on CORD's 2020 agenda.

Mr. Walker then added that the difference between LCIP and LCHIP can be confusing and he has copies of the LCIP annual report for anyone that would like to read it.

MOTION: With business completed, Mr. Way moved to adjourn the meeting, which Mr. Miller seconded. The motion was approved unanimously by the Council.

Meeting adjourned at 10:08 AM.

Reminder – 2020 CORD Meeting Dates:

~~January 9~~
July 9

March 12
September 10

May 14
November 12

DRAFT

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MEMORANDUM

TO: CORD Members and Other Interested Parties <i>Via Email Distribution Lists</i>	Merrimack County Board of Commissioners 333 Daniel Webster Highway, Suite #2 Boscawen, NH 03303 <i>Via Regular Mail & Fax (603) 796-6840</i>
Thomas J. Aspell, Jr. Concord City Manager 41 Green Street Concord, NH 03301 <i>Via Email (citymanager@concordnh.gov)</i>	Michael Tardiff, Executive Director Central New Hampshire Regional Planning Com. 28 Commercial Street, Ste. 3 Concord, NH 03301 <i>Via Email (mtardiff@cnhrpc.org)</i>

FROM: Michael A. Klass, NH Office of Strategic Initiatives
DATE: March 3, 2020

SUBJECT: *State Owned Land, Surplus Land Review, Concord, NH
 2020 SLR 001*

RESPONSE DEADLINE: Wednesday, March 11, 2020

Please review the attached information to determine if your organization has any interest in this transaction. If there is an interest, please provide this office with any comment(s) in writing by the response deadline indicated above. Responses may be emailed to Michael.klass@osi.nh.gov.

The Council on Resources and Development will consider the request at its meeting scheduled for **March 12, 2020**. Information regarding CORD and its meetings may be obtained at: <https://www.nh.gov/osi/planning/programs/cord/index.htm>.

The Department of Natural and Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483:8, VII and 14.



State of New Hampshire

DEPARTMENT OF ADMINISTRATIVE SERVICES

25 Capitol Street – Room 120
Concord, New Hampshire 03301

Charles M. Arlinghaus
Commissioner
(603) 271-3201

Joseph B. Bouchard
Assistant Commissioner
(603) 271-3204

Catherine A. Keane
Deputy Commissioner
(603) 271-2059

February 27, 2020

Jared Chicoine, Director
Office of Strategic Initiatives
107 Pleasant Street
Johnson Hall, 3rd Floor
Concord, NH 03301

**RE: Grant of Utility Easement to Unitil and Consolidated Communications
Governor Hugh J. Gallen State Office Park, Pleasant Street, Concord**

Dear Director Chicoine:

The Department of Administrative Services (DAS) proposes to grant to Unitil Energy Systems, Inc. and Consolidated Communications of Northern New England Company, LLC (d/b/a Consolidated Communications – NNE), as tenants in common, a perpetual utility easement on State land for the construction, installation, operation, maintenance, and replacement of transmission and distribution lines and associated service poles and other supporting facilities and apparatus as needed to provide electrical and telecommunications utility service to the westerly end of the Peaslee Annex located within the Governor Hugh J. Gallen State Office Park (the “SOPS Campus”) and to the Sprint cellular communications antenna situated on the roof thereof.

Sprint began leasing antenna mount space on the steam plant smokestack located on the SOPS Campus in 1996. In 2017 Concord Steam, which had been operating the steam plant for several years, went out of business, and the State began to consider what to do with the aging steam plant facility and smokestack, including whether to take the smokestack down. As a result, Sprint has since relocated its cellular communications antenna roughly 150 linear feet northeast to the rooftop of the nearby Peaslee Annex on the SOPS Campus in coordination with the DAS Bureau of Facilities and Asset Management and the Department of Health and Human Services. Sprint’s new antenna has been drawing electrical power and telecommunications service from its former location on a temporary basis, but the proposed long term solution is to allow Unitil to install a new pole line running from Pleasant Street (adjacent to Industrial Drive and Liberty House) directly to a pad mount transformer to be installed on the ground inside the retaining wall at the westerly end of the Peaslee Annex so that Sprint can connect its new antenna facility directly to the public utility infrastructure on a permanent basis. Sprint will cover the entire “customer portion” of the cost of the new pole line and transformer installation. The proposed utility easement would affect a twenty (20) foot wide strip of land with its center line fixed upon the proposed pole line. The proposed easement is required to allow Unitil to begin installing the new pole line on site. In order to keep this project more or less on schedule, we request that this item be placed on the agenda for the March 12 meeting of the Council on Resources and Development (CORD) in order to be able to seek approval from the Long Range Capital Planning and Utilization Committee at its anticipated May meeting. We recognize that this would require any action taken by CORD on March 12 to be subject to any comments received thereafter within the 30-day comment period. However, past experience over several years has been that CORD members and other constituents submitted no substantive comments regarding similar proposed utility easements elsewhere on the SOPS Campus.

Please submit this proposal to the Council on Resources and Development for review. If you have any questions, then please contact Jared Nylund, DAS Real Property Asset Manager at 271-7644.

Sincerely,



Charles M. Arlinghaus, Commissioner

Enclosures

Cc: Gary Lunetta, Director of Procurement and Support Services
Jared Nylund, Real Property Asset Manager

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: Department of Administrative Services

Agency Contact Person: Jared Nylund, Real Property Asset Manager
Address: 25 Capitol Street, Concord, NH 03301
Phone Number: 271-7644
E-Mail: jared.nylund@das.nh.gov

Applicant Contact Person: same as above
Address: _____
Phone Number: _____
E-Mail: _____

Location of Property: Northerly edge of Governor Hugh J. Gallen State Office Park along Pleasant Street, adjacent to Steam Plant, Industrial Drive, and Liberty House (119 Pleasant Street)

Acreage: Unknown (entire Office Park parcel is more than 120 acres)

Requested Action: Grant of utility easement to electrical and telephone utilities

Term of Lease or Easement: Perpetual

Please complete ALL questions below, submit one digital copy and one hardcopy original of the complete application to the Office of Strategic Initiatives, Johnson Hall, 3rd Floor, 107 Pleasant Street, Concord, NH 03301, michael.klass@osi.nh.gov.

1. What is the current use of this property?

This "property" is a 20-foot-wide strip of land extending approximately from existing utility "pole #34" along the south side of Pleasant Street to the westerly end of Peaslee Annex by way of utility "pole #34-1" and "pole #34-2" to be installed along Industrial Drive, with the center line of such strip to be fixed upon the overhead "pole line" to be installed. The "property" is part of the Governor Hugh J. Gallen State Office Park and traverses a portion of Industrial Drive, a portion of the lawn adjacent to the Liberty House Garage, and the westerly end of Twitchell Road.

2. What is the proposed use of this property if surplused? Please note if proposed use is intended to create a public benefit.

The "property" would continue to include paved driveways and part of a lawn area, but it would also include an overhead utility pole line and a new pad mount transformer at the westerly end of Peaslee Annex. Unitil and Consolidated Communications would also gain the perpetual right to construct, install, operate, replace, repair, and maintain such fixtures and equipment on the "property" in order to be able to provide continued and upgraded electrical and telecommunications utility service to Peaslee Annex and to the Sprint cellular communications antenna situated on the roof thereof.

- 3. Does the proposed use of this property entail new development?** Yes No
- a. If yes, is it consistent with adjacent and existing development? Yes No
- b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or surroundings.

4. Are there any structures located on this property? Yes No

a. If yes, please describe the structures including how many and what kind.

There will be two utility poles (to be installed), electrical distribution and telecommunications lines, and associated fixtures and equipment. There are several buildings and other structures located elsewhere on the host parcel.

5. Are there historical architectural or archaeological resources identified on this site?

Yes No

a. If yes, describe the resource(s)?

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? Yes No

a. If yes, describe the use and number of structures of adjacent sites.

If no, where is the nearest development? (Describe distance, use, and number)

The host parcel includes several State office buildings, transitional housing, the New Hampshire Hospital, various other State government buildings and structures, paved and unpaved parking areas, roads, and driveways. Adjacent sites include fully developed single family residential lots, commercial lots, and institutional buildings.

7. Does the site represent the entire state property in this location? Yes No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

See explanation of current use in item 1 above. The area of the "property" is a tiny fraction of the total area of the Governor Hugh J. Gallen State Office Park parcel.

8. Is access to this property available? Yes No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

The "property" is accessed directly from Pleasant Street.

b. If yes, is there a potential for public access interruption? Yes No

9. Are there water resources related to this property such as:

Lakes/Ponds - Yes No Rivers - Yes No Wetlands - Yes No

a. If yes, please indicate the size or extent of such resources.

b. If yes, is the property located within 250 feet of a lake/pond or river?

c. If yes, please describe any municipal regulations and/or Shoreland Water Quality Protection Act (RSA 483-B) provisions that apply to the development of the property.

d. If there are water resources, please describe current public or private access from the site to the water body. Public Private No Access Available

e. How would the proposal affect the access opportunities described in d?

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

	Yes (property)	Yes (adjacent property)	No
a. Steep slopes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Wetlands (Prime and NWI)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Threatened or endangered species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Wildlife Action Plan Critical Habitats	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Increased impervious surface	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Potential stormwater flow changes.....	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Agricultural soils of prime, statewide, or local importance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Potential river channel change	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Other special designations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

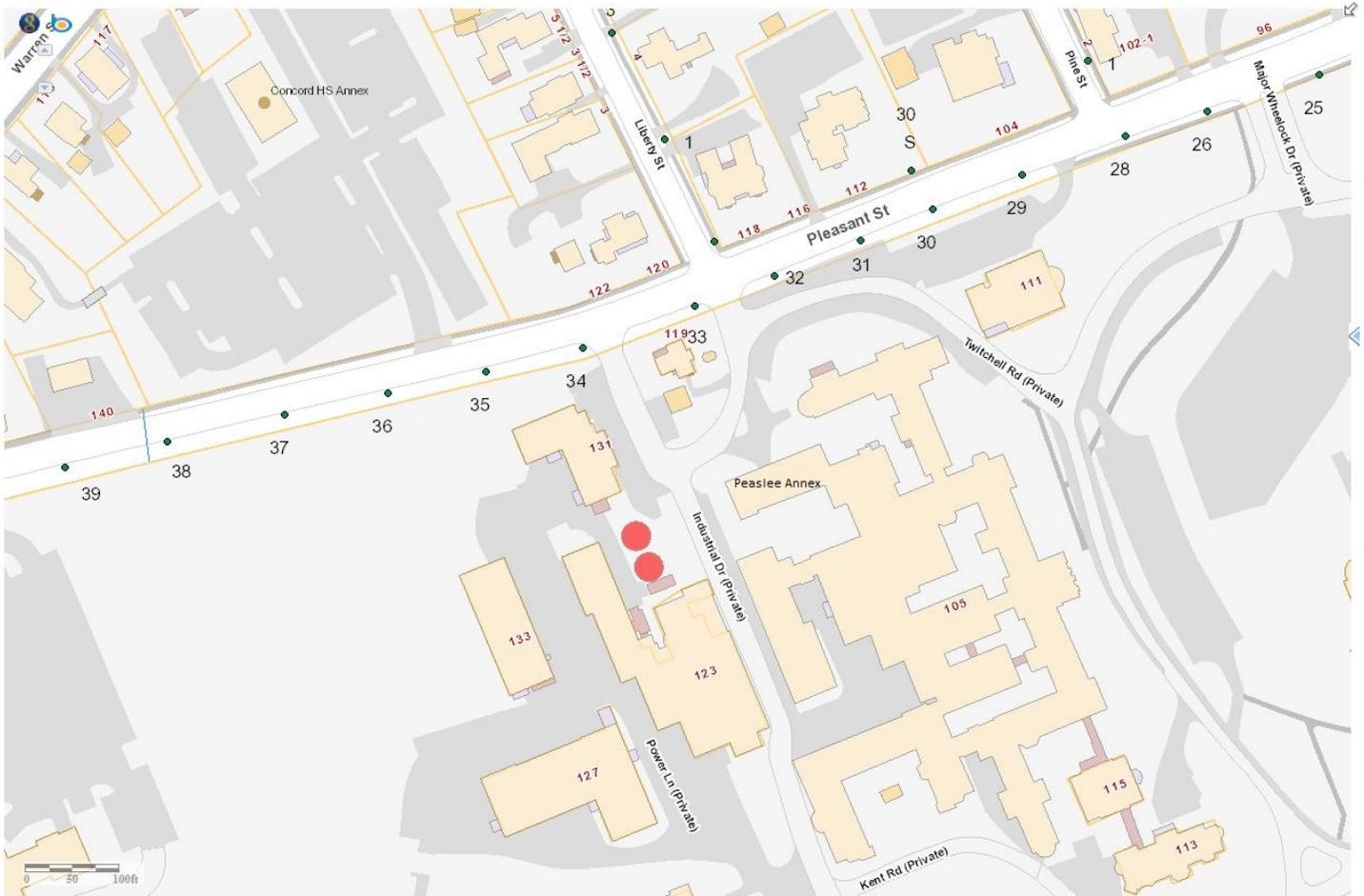
Please provide a description for any "yes" responses to question #10.

11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within its municipality.

- a. Municipal tax map copy showing all abutters
- b. General location map with scale, north arrow, nearby roads, and water bodies/features*
- c. Aerial Photograph*
- d. Any site plans for new or proposed development prepared at the time of application
- e. Maps depicting rail lines, wetlands, conservation lands, rare species and exemplary natural communities or topographic features are welcome but not required

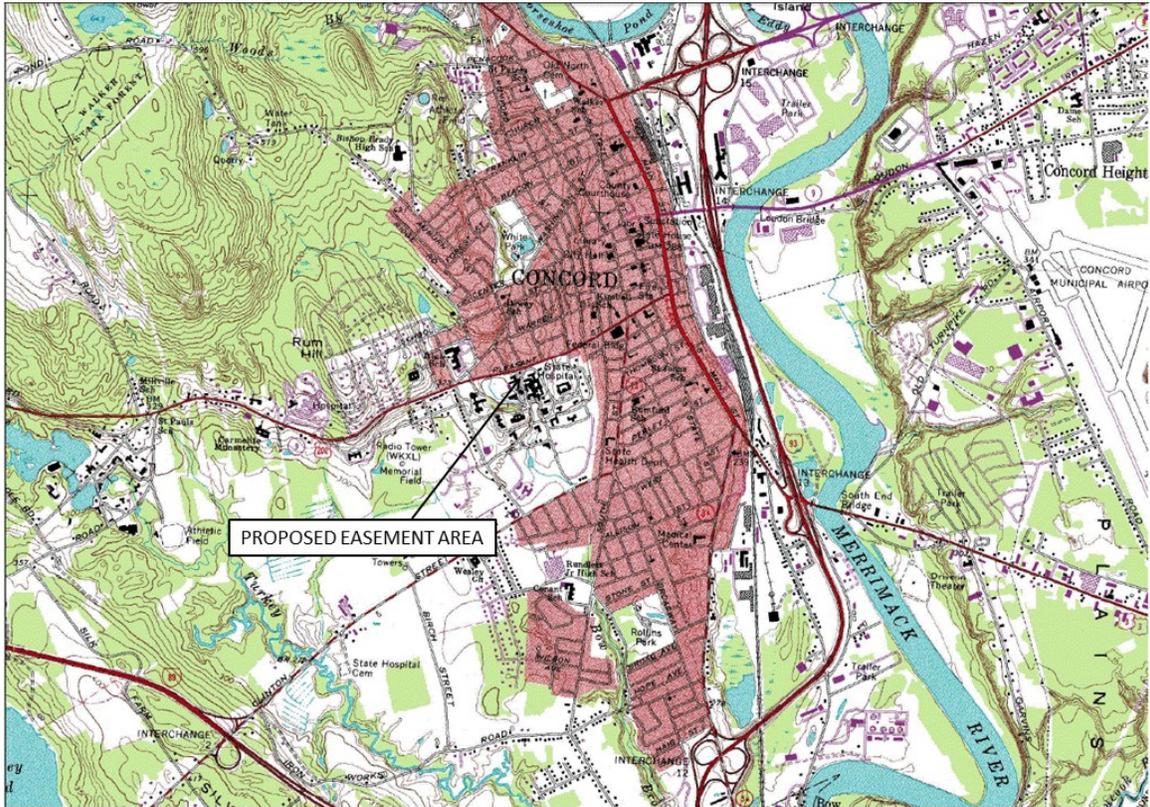
* Maps can be created with GIS, Google, NH GRANIT, or any other readily available mapping service.

Please paste any maps and photographs submitted as part of this application here.



**Governor Hugh J. Gallen State Office Park
Area Adjacent to Industrial Drive along Pleasant Street, Concord, NH**

**Tax Map Detail with Utility Pole Locations and Numbers
(Proposed easement area extends from pole 34 shown along Pleasant Street
to westerly end of Peaslee Annex adjacent to Industrial Drive)**



**Governor Hugh J. Gallen State Office Park
Area Adjacent to Industrial Drive along Pleasant Street, Concord, NH**

Concord USGS Quad



**Governor Hugh J. Gallen State Office Park
Area Adjacent to Industrial Drive along Pleasant Street, Concord, NH**

Aerial View



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 3, 2020

Michael A. Klass
Principal Planner
Division of Planning
New Hampshire Office of Strategic Initiatives
3rd Floor, Johnson Hall
107 Pleasant Street
Concord, NH 03301

RE: CORD SURPLUS LAND REVIEW (SLR 20-001) – REQUEST FOR GRANT OF UTILITY EASEMENT TO UNITIL AND CONSOLIDATED COMMUNICATIONS, GOVERNOR HUGH J. GALLEN STATE OFFICE PARK, PLEASANT STREET, CONCORD, NEW HAMPSHIRE

Dear Mr. Klass:

In response to your recent request, the New Hampshire Department of Environmental Services (NHDES) has completed its review of the subject proposal. Based on a review of pertinent files, Geographic Information System databases, and staff discussions, NHDES offers the following findings and recommendations.

The subject request includes the installation of utility poles via an easement through State property. It is apparent to NHDES that the proposed project will cause minimal impacts to the environment or public health at the site. Therefore, **NHDES has no further interest or concerns with this project.**

Thank you for the opportunity to comment

Sincerely,

Timothy W. Drew
Administrator
Public Information and Permitting Unit
Office of the Commissioner

Enc.

cc: Robert R. Scott, Commissioner, NHDES
Clark B. Freise, Assistant Commissioner, NHDES
Tracie Sales, Rivers & 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

Kayla Henderson
NH Department of
Safety (Interim)

Shawn Jasper
NH Department of
Agriculture,
Markets & Food

John Magee
NH Fish & Game
Department

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

March 4, 2020

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

RE: CORD Surplus Land Application - 2020 SLR 001 (Concord)

Dear Mr. Klass:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on the proposed grant of a utility easement to Unitil and Consolidated Communications at the Governor Hugh J. Gallen State Office Park on Pleasant Street in Concord.

Since the location does not lie within 250 feet of any river, does not provide any access to a river, and does not lie within a designated river corridor, **this proposed easement falls outside of the RMAC's area of interest.**

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
RMAC Chair

cc: RMAC Representatives
Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Voting Members:

David Packard
Chair
NH Lakes Assn.

Bruce Allen
Conservation
Commissions

Mark Borrin
Tourism Industry

Shane Bradt
Scientific Community

Tiffany Grade
Conservation
Community

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Lisa Morin
State Conservation
Committee

Rex Norman
Municipal Official

Dick Smith
Fishing Interests

Bruce Temple
NH Fish & Game
Commission

Mary Truell
NH Association of
Realtors

Vacant
Marine Trades
Association

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

Shawn Jasper
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Lakes Management and Protection Program
N.H. Lakes Management Advisory Committee

March 4, 2020

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

RE: CORD Surplus Land Application - 2020 SLR 001 (Concord)

Dear Mr. Klass:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on the proposed grant of a utility easement to Unitil and Consolidated Communications at the Governor Hugh J. Gallen State Office Park on Pleasant Street in Concord.

Since the location neither lies within 250 feet of any lake nor provides any access to a lake, **this proposed easement falls outside of the LMAC's area of interest.**

The LMAC is a legislatively created body charged to work with the NHDES to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, and municipal government as well as several state agencies. Among its other responsibilities, the LMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, lakes and with advising the NHDES Commissioner and the Council on Resources and Development on the merits of such disposals.

Should you have further questions about this letter, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Sincerely,



David Packard
Chair

ec: Timothy Drew, Public Information Office, NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Klass, Michael

From: Kris pastoriza <krispastoriza@gmail.com>
Sent: Thursday, January 30, 2020 2:28 PM
To: Klass, Michael
Cc: Simpkins, Brad; Abby Evankow; John Petrofsky; Rebecca More; Rebecca Brown; Mike Schoenegge; Dick Harris; Mark & Jen Hunt; Susan E Percy; Lucy Wyman; Linda Lauer; Sue Ford; Wayne Moynihan; Suzanne Smith; judith@kestrelnet.net; Wendy.E.Thomas@leg.state.nh.us; selectmen@townoflittleton.org; Will Abbott; Susan Arnold; Volinsky, Andru; Rose, Meagan; Cryans, Michael; Pignatelli, Debora; rick.samson@cooscountynh.us
Subject: ATVs and State Lands
Attachments: ATV violations.pdf; ATV Economic Impact Analysis v3.pdf
Follow Up Flag: Follow up
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Dear Michael Klass,

I submit the attached documents for consideration at CORD's next meeting.

Any errors or omissions in the 'ATV Violations' document are mine, and I would appreciate being informed of them.

I send this document knowing I have been unable to address the issues with the thoroughness they deserve, given time constraints, the confusing dispersal of relevant documents, and the time constraints of readers. Despite this, there is compelling data indicating that ATV use of Nash Stream SF is not in compliance with the RSAs and MOUs governing that use. It is clearly not in compliance with the necessary response to global warming. Finally, the 'ATVs as the economic driver for the North Country' argument, which is driving DNCR and CORD, is not backed by acceptable data and analysis.

An issue I did not have time to incorporate is the possibility that ATVs are transporting invasive insect species to Nash Stream SF (and other State land.) This is mentioned in Nash Stream Citizens' Committee meeting minutes but not the Nash Stream monitoring reports. Recent testimony on ATV bills (by Chris Gamache ?) stated that ATV trail users come to New Hampshire from many states.
<http://ulster.cce.cornell.edu/environment/invasive-pests/jumping-worm>

ATV Economic Impact Analysis is by John Petrofsky.

Kris Pastoriza
Easton, NH

ATV Violations on State Lands

NH RSA 215-A:41, ATV and Trail Bike Operation on State Lands states:

I. The general court declares it to be in the public interest to balance the demand for ATV and trail bike trails on state lands: **An evidence-based response to global warming requires that the State, and especially DNCR, cease support of recreational ATV use:** “The EPA estimates that a four stroke ATV operating for one hour emits hydrocarbons equal to driving a current passenger car 290 miles. A two stroke ATV operating for one hour emits hydrocarbons equal to driving a passenger car 6,470 miles.”

<http://www.atvwatch.com/ATV%20New%20Hampshire%20TE%20Funded%20Projects%20Links.htm>

(a) With other, non-motorized recreational trail uses; **ATV use conflicts with all non-motorized uses on State Lands; see: <https://cdn.shopify.com/s/files/1/0145/8808/4272/files/G3880.pdf>**

Table 1. Average land-based recreational activity compatibility ratings.

PRIMARY USE ^a	Interacting use ^a										
	ATV riding	Hunting	Snowmobiling	Horseback riding	Mountain biking	Cross-country skiing	Linear trail biking	Hiking	Wildlife watching	Camping	Average compatibility
ATV riding	X	5.3	6.5	5.1	5.5	4.9	5.5	6.1	6.9	7.5	6.0
Hunting	3.3	X	3.7	4.7	4.3	5.3	5.7	5.4	6.0	6.3	5.0
Snowmobiling	4.3	4.0	X	4.0	4.8	4.3	5.8	5.3	6.3	7.2	5.1
Horseback riding	2.2	3.5	3.0	X	3.8	4.9	4.5	6.3	7.3	7.7	4.8
Mountain biking	3.1	3.6	4.7	4.8	X	5.7	8.1	6.1	7.4	8.0	5.7
Cross-country skiing	1.8	3.6	2.6	3.3	4.2	X	5.6	4.9	8.1	8.5	4.7
Linear trail biking	2.6	3.9	5.5	5.3	8.2	7.1	X	7.4	8.0	8.7	6.3
Hiking	2.4	3.5	3.5	5.7	4.7	6.1	6.5	X	8.9	9.2	5.6
Wildlife watching	2.2	3.2	2.9	6.4	5.2	7.6	6.8	8.6	X	8.3	5.7
Camping	3.9	4.1	5.0	7.5	7.8	8.2	8.2	8.9	8.5	X	6.9
Average compatibility	2.9	3.9	4.2	5.2	5.4	6.0	6.3	6.6	7.5	7.9	

Source: WDNR 2006, 4–6.

^aCompatibility ratings reflect the perceived level of conflict from the perspective of trail users participating in the activities in the left column—the primary use. Ratings should therefore be read horizontally. Results are based on responses from 23 Wisconsin recreation professionals.

highly competitive or antagonistic (below 4.0)
moderately to mildly competitive (4.0–7.0)
supplementary or complementary (7.0 and above)

(b) Potentially conflicting management goals for state lands; and **ATV use was forbidden in the original Nash Stream State Forest management plan and conflicts with all other uses.**

(c) Protection of wildlife and ecologically important areas, including wildlife corridors and habitat strongholds as defined in RSA 207:1. **Where are the studies showing that existing or proposed ATV trails on State Lands protect wildlife or ecologically important areas?**

II. In furtherance of the public interest, the bureau, in cooperation with the department of fish and game and all other state agencies that are custodians of the property involved shall work to develop a system of trails for ATVs and trail bikes on both public and private lands that:

(a) Uses, to the greatest extent possible, private lands, under voluntary agreement with landowners;

(b) Uses public lands that can host ATV and trail bike trails that are compatible with existing uses and management goals and plans; **ATVs conflict with all existing uses.**

(c) Is managed cooperatively with formally established ATV and trail bike clubs recognized by the bureau;

(d) Is regularly monitored for overuse, compliance with laws and regulations, and environmental degradation, with curtailment of trail use if such conditions are found to exist; **Two Compliance**

Reports, for Kelsey Notch Trail only, have been completed. The 2018 report showed degradation of the trail. Club GIA grants reports show degradation of the trail. DFL request to move 750' of the West Side Trail away from Nash Stream "...to prevent further sedimentation and erosion... siltation from the fill may be reaching Nash Stream during severe storm events..." shows degradation of the trail. In addition: "This past summer DNCR discovered erosion adjacent to a culvert that was buried 30-40' down in depth with fill on top. The erosion has caused the fill to start migrating towards Nash Stream..." (November 18, 2018 minutes CORD) shows degradation of the trail. The 2019 Compliance report was done just after maintenance and found recommended work un-done. Where are the Club reports showing monitoring?

(e) Ensures safe and legal use through consistent enforcement of all laws as set forth in this chapter; DF&L reported, out of 150 riding "season" 10 days of patrols 2017, 4 in 2018, 5 in 2019. DNCR and DFL "patrolled Nash Stream minimally during this past riding season..." Capt. John Accardi, 2018

(f) Provides opportunities for public input in all decisions regarding development of new or significantly revised trail systems on state lands.

Source. 2002, 233:16, eff. July 1, 2002. 2019, 243:5, eff. Sept. 10, 2019.

NH RSA 215-A:42 ATV and Trail Bike Trails states:

II. An ATV or trail bike trail on state-owned property may be closed to ATV or trail bike use by the bureau, if the bureau finds that:

(a) ATV or trail bike use on the property is not in conformance with this chapter; **GIA reports and Kelsey Notch Compliance report and photographs show extensive damage to trails. See below**

(b) Responsibilities assumed by the locally-organized ATV or trail bike club pursuant to subparagraph I(c) are not being met; **Responsibilities assumed by the locally-organized ATV Clubs have not been met, therefore the trails in Nash Stream S.F. and Jericho S.P. should be closed.**

Below: Nash Stream S.F., Kelsey Notch Trail Compliance Report, 2018



Figure 4 and 5- Shows some of the wear on the trail heading toward Colebrook.

215-A:43 Evaluation Process states:

II. A new ATV or trail bike trail proposal that has passed the initial screening process of the coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be considered to have passed such phase if the following fine filter criteria are met:

- (a) The new trail is supported by an organized ATV or trail bike club recognized by the bureau.
- (b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit established by law. **There has been no enforcement of this standard, that I can find.**
- (c) Adequate parking exists or will be developed for the type of trail being proposed and the number of expected riders.
- (d) The bureau has given due consideration to local planning and zoning ordinances.
- (e) The proposed trail does not pass through a parcel with deed restrictions.
- (f) The bureau has given due consideration to local noise and obnoxious use ordinances.
- (g) The proposal is reasonably compatible with existing uses. **ATVs conflict with all other existing uses.**

(h) The proposal does not violate federal, state, or local laws. **No Club or Agency has tested the air on any ATV trails for compliance with EPA dust standards. Dust is likely hazardous on many trails, especially in Jericho Lake SF, as well as on the Rail Trails (see below) and town roads.**

<https://www.youtube.com/watch?v=UNy1Xu9mmkU>

NHDOT recognizes issues with rail bed contaminants:

Additional details are in the Contamination Inventory Memorandum in Appendix C.

4.3.1 Affected Environment

Along the existing railroad track bed, there is a high probability of the presence of contaminated soils or debris. Contaminants commonly found associated with railroad corridors include railroad ties (wood treating chemicals), spilled or leaked fluids (oil, cleaning solvents), herbicides, transformer fluids [Polychlorinated biphenyl (PCBs)], fossil fuel combustion products [Polycyclic aromatic hydrocarbons (PAHs)], asbestos, and metals such as arsenic and mercury. Also, existing steel bridge overpasses along the corridor were likely painted with lead-based paint prior to 1970, which may or may not have been removed or sealed.

Full Corridor: Of the contaminated sites within 1,000 feet of the corridor, 81 were identified as having the potential to impact the corridor.

https://www.nh.gov/dot/org/aerorailtransit/railandtransit/documents/app_10b_fta_ea_final.pdf

Cord received indication from NHDES of potential contaminants in rail beds:

<https://www.nh.gov/osi/planning/programs/cord/meetings/documents/20180510-meeting-packet.pdf>

Summary provided for convenience and reference purposes only. Please refer to actual comments for exact language.	
SLR: 18 SLR 5	Town: Windham
Comments Due: May 4, 2018	Applicant: DNCR
Division of Historical Resources:	concur
Environmental Services:	The simple transfer of the 3/8-mile (~ 3.3 acres) unmanaged and unmaintained section of the Fremont Branch old rail corridor to the town of Windham in and of itself will not create apparent impacts to the local environment or public health. However, any future land disturbance activities or other work scheduled for the rail trail corridor may require the issuance of environmental permits from NHDES

(i) The proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts. **Apparently non-existent except for two Kelsey Notch Monitoring Reports.**

(j) The proposed trail layout incorporates existing motorized

travel corridors whenever possible.

- (k) The proposed trail layout minimizes further fragmentation of blocks of forestland by locating trails on areas with existing development whenever possible. **ATV trails fragment forests, by definition.**
- (l) The proposed trail does not pass through a sanitary protective area of a public well as determined by the department of environmental services.
- (m) The proposed trail is not located on earthen dams, dikes, and spillways unless approved by the department of environmental services.
- (n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.
- (o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts. **Where is the data showing compliance?**
- (p) All stream crossing structures meet 5-year flood design criteria. **Where are the forms showing bridges as in compliance? One Metallak Valley ATV Club 2019 GIS grant was for \$14,315. to “Replace Simms Stream Bridge that was washed down stream.” Below: Kelsey Notch Compliance report 2018:**



Fish & Game is required under RSA 9-B to consider “Smart Growth” principles. “Fish and Game Department’s mission supports several aspects of the Smart Growth policy. Through their habitat protections programs, the Department works to protect wildlife habitat, clean water and viewsapes.” <https://www.nh.gov/osi/planning/programs/cord/meetings/documents/20180510-meeting-packet.pdf>

- (q) The proposed trail is not within 200 feet of any water body, forested or non-forested wetland, or vernal pool, unless there is an existing soil condition or surface roadway that can be used to reduce

adverse environmental impacts. Nash Stream West Side Trail, and many other trails, do not appear to be in compliance with this requirement. Where is the documentation of compliance?

(r) The proposed trail avoids elevations over 2,700 feet.

(s) The proposed trail avoids important wildlife habitat features for species of concern. Where is the data showing compliance with this requirement? (See below for Jericho Lake SP.)

(t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site-specific basis by the fish and game department.

(u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site-specific basis by the natural heritage inventory.

“Statutes with no known data.

Despite many extensive and exhaustive searches, no known datum was identified pertaining to the following statutes:

(s) The proposed trail avoids important wildlife habitat features for species of concern

(t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site specific basis by the fish and game department

(u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site-specific basis by the natural heritage inventory...Many of the specifics of the above statutes—“...species of concern...”, “...endangered or threatened species or their habitat...”, “...locations of rare plants and exemplary natural communities...”, “...known raptor nest or nesting trees...”, “...eagle winter roosting areas...”, “...heron rookeries...” —are covered by Wildlife Action Plan. This datum should not only adequately address the criteria but it should also serve as a starting point for identifying priority areas within the site, city, county, and state for land conservation activities. **In general 44% of the project site already contains some of the highest ranked habitat in the state and biological region.**” (my emphasis)

Modeling least-impact ATV trails in Berlin, NH with established fine-grained evaluation criteria (RSA 215-A: 43) Shawn C. Herrick University of New Hampshire, Durham, 2011
<https://scholars.unh.edu/cgi/viewcontent.cgi?article=1684&context=thesis>

(v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site-specific basis by the state geologist.

(w) The proposed trail avoids alteration, disturbance, and adverse impacts to cultural and historic resources.

“(v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site-specific basis by the state geologist, and

(w) The proposed trail avoids alteration, disturbance, and adverse impacts to cultural and historic resources. Data have not yet been created for these two statutes.”

Modeling least-impact ATV trails in Berlin, NH with established fine-grained evaluation criteria (RSA 215-A: 43) Shawn C. Herrick University of New Hampshire, Durham, 2011 p. 69

(x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests, or as specified on a site-specific basis by the fish and game department.

(y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries, or as specified on a site-specific basis by the fish and game department.

“Despite many extensive and exhaustive searches, no known datum was identified pertaining to the following statutes:

(x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests

(y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries.” (See text on criteria (s) and (t), above.)

Modeling least-impact ATV trails in Berlin, NH with established fine-grained evaluation criteria (RSA 215-A: 43) Shawn C. Herrick University of New Hampshire, Durham, 2011 p. 69

GIS ATV Club grant summaries, a sampling:

\$5,196.00 Chase Rd, Henniker-Add gravel to 4700' of Class VI Rd to fix wash outs
\$1,296.00 Chase Brook Trail, Henniker-Fix 5900' of trail by adding water bars & fixing wash outs
\$2,400.00 Hardscrabble Trail (Jct. 68 to top of hill)- Fix wash out on .6 mile of trail
\$20,004.00 Purchase 1,200 yds. of gravel for BOT District to spread on the Scenic Lookout Trail in Jericho
\$15,000. Purchase 840 cubic yards of 1.5" crushed gravel for BOT District to spread on Ammonoosuc Rail Trail from Savageville Road south to Lisbon
\$18,046.50 Fern Drive-Add gravel/culverts to fix .4 mile of road
\$7,500.00 Rock Pond Trail-Re-ditch trail & add gravel to road
\$12,868.00 Millsfield Pond Road-Re-ditch, replace culverts, clear brush
\$2,956.00 Baxter Trail (Cilley Brook to mountain top)-Re-ditch & install 4 culverts
\$4,800.00 Hovel Trail-Re-ditch trail & add gravel
\$16,446.00 Project #3: Newell Brook Road-Widen road, add gravel, add culverts
\$8,128.00 Carrier Trail-Re-ditch, add culverts, add gravel
\$15,000.00 Rail Trail (north of Pine Hill)-Purchase 65 loads of 3/4 gravel for BOT District to spread on 3-4 miles of trail
\$10,310.00 South Jordan Hill Road, Town of Columbia - Fix major washout on class VI road above where town maintained road ends by adding gravel, fixing culverts, and smoothing road

<https://www.nhstateparks.org/about-us/trails-bureau/grants/grant-in-aid>

These reports of washouts, ditching, lost cover, etc., indicate over-use and damage. Existing cover has apparently been thrown to the sides of the trails, filling the ditches and perhaps culverts. Only one grant report mentions re-claiming this material, so the ecology of the trails is damaged not only by compression, but by repeated addition of large amounts of non-local materials. If the AMC were carrying or helicoptering in gravel for repairs of their trail system, it would be considered unacceptable.

The trails do not appear to be constructed to any standard. Federal standards are described in: <https://www.arlis.org/docs/vol1/A/53352785.pdf> “The National Forest attempts to build and maintain ATV trails to a standard of environmental stability—trails that are sufficiently well designed, built and maintained so that their use does not cause erosion, water quality damage, or damage to vegetation or wetlands. Achieving these goals costs \$15,000- 30,000 per mile in construction costs and \$1,000 per

mile annually in maintenance costs, according to the Forests' calculations." pgs 21-22 Trail rehabilitation costs are estimated at \$1,500. per acre.

Are the ATV "trails" "sufficiently well designed, built and maintained so that their use does not cause erosion, water quality damage, or damage to vegetation or wetlands."? Do they meet DNCR, Board of Trails, and Club standards? Have these standards been loosened to allow continued ATV use?

"WHEREAS, the CLUB is a recognized non-profit group by the State of New Hampshire that provides designated ATV trails for its members and the public, and **has a policy of closely watching and maintaining its trails to protect and preserve the landscape...**" (MOU between ATV Club and DNCR) Below: 2019 Kelsey Notch Compliance Report done *after* maintenance.



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

CORD responsibilities:

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.
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.



Jericho Mountain State Park, before the ATV season, 2019.

“A study in Kentucky estimated that over 20 years of ORV use on a 40 acre site, 10 million pounds of soil were lost.” Jericho ATV system is 700 acres. (<https://www.arlis.org/docs/vol1/A/53352785.pdf>) (<https://www.nhstateparks.org/getmedia/156d86a3-f059-49e7-a04d-891afe2bc760/Jericho-Mountain-State-Park-Master-Trail-Development-Plan.pdf>) Have the Clubs posted a bond for eventual restoration of the trails, if and when the Park is closed to ATV use?

Some conditions specific to Nash Stream State Forest:

“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...” MOU between NH F&G, DRED, and DF&L, 2017

The meaning of this clause is unclear. It needs to be clarified and supported with documentation, or removed. It seems to intend to state that ATV use is of such proven economic benefit to some business owners in Coos County that ATVs should be permitted in Nash Stream State Forest, despite the anecdotal nature of the data presented, confusion of correlation and causation, and the exclusion of externalized costs.

“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 rider and passengers and the protection of property...”

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" (MOU between NH F&G, DRED, and DF&L, 2017)

No Club or Agency has tested the air on any ATV trails for compliance with EPA dust standards. Club GIA grant reports show degradation of the trail and unsafe bridge conditions. DFL request to move 750' of the West Side Trail away from Nash Stream "...to prevent further sedimentation and erosion..." shows degradation of the trail. (November 18, 2018 minutes CORD) Either Best Management Practices are ineffective or are not being followed. I have been unable to find Club reports showing monitoring. "I personally conducted a patrol of the Kelsey Notch Pilot Trail in September and found it to be extremely bumpy and eroded. I could find no obvious signs of off-trail use and with the condition of the trail concluded that conducting speed enforcement would not be justified." Fish & Game intra-department communication. (11/18/18 meeting package CORD) "He (Jamie Sayen) asked why the Kelsey Notch Trail monitoring trip in August of 2017 showed that everything was ok and then 105 loads of gravel at \$22,000 was spent on fixing it." (6/27/28 Nash Stream CC minutes.)

"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." (MOU between NH F&G, DRED, and DF&L, 2017)

Though this MOU was signed in early January of 2107, no report was filed for that year. Two superficial reports, covering *only* the Kelsey Notch Trail, (2018 & 2019) have been completed.

"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." (MOU between NH F&G, DRED, and DF&L, 2017)

"WHEREAS, the CLUB is a recognized non-profit group by the State of New Hampshire that provides designated ATV trails for its members and the public, and has a policy of closely watching and maintaining its trails to protect and preserve the landscape_ NOW THEREFORE, the parties hereto agree as follows:

1) The parties agree to work cooperatively in providing and maintaining, through environmentally sound action, a safe, functional, attractive and user-friendly ATV trail system (the "TRAIL ") over

existing ways known as "West Side Road", "Bordeau Trail" and "Andritz Trail", or relocated portions thereof, on the PROPERTY, as depicted on a plan entitled "Proposed ATV Trail ..."

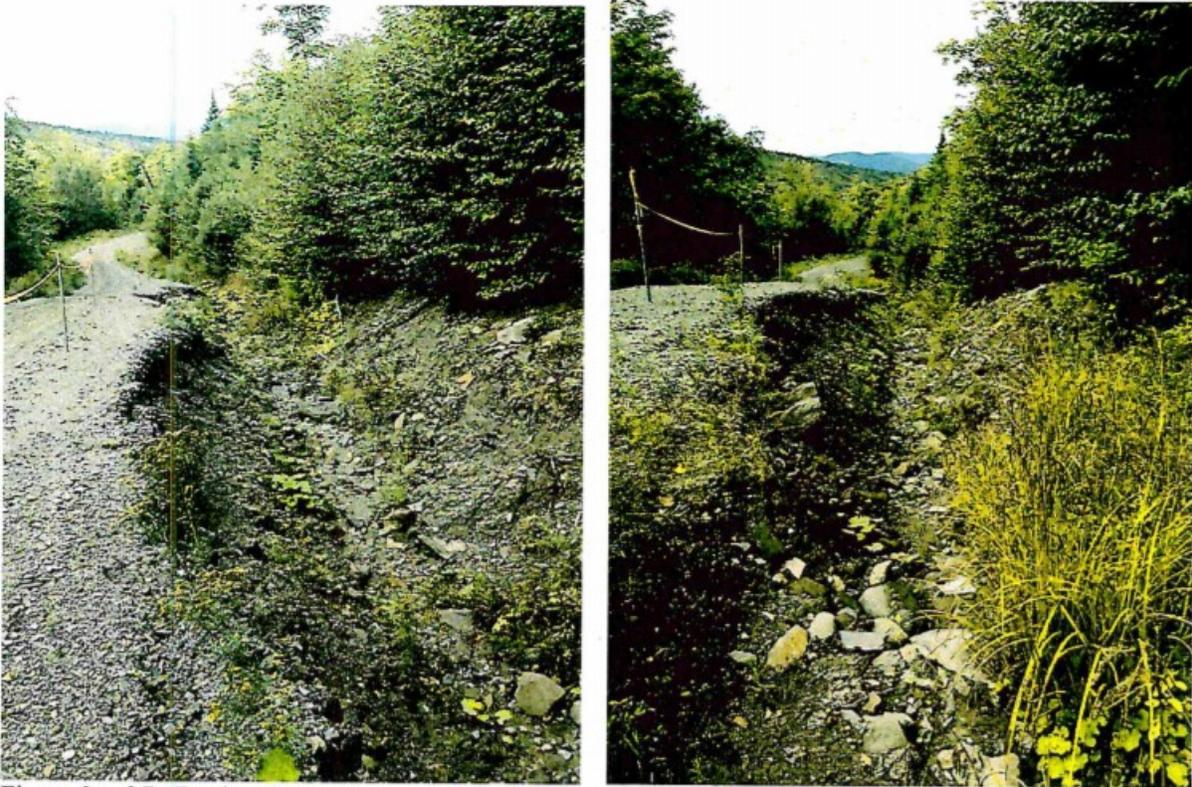


Figure 6 and 7- Depicts the washout along the trail.

Above and below: Kelsey Notch Trail, 2018 Compliance Report.



Figure 1, 2 and 3- Shows the broken boards on the bridges and the eroding approaches.

“The STATE maintains its right to close the TRAIL when any of the following occur:

- weather conditions make the TRAIL unsuitable for ATV use;
- public safety is endangered due to TRAIL conditions;
- use of the TRAIL is resulting in degradation of surface waters; ”

(2016 MOUs between DNCR and North Country ATV Club and Metallak ATV Club for maintenance of ATV trails in Nash Stream State Forest)

2019 Compliance Report:

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 2018 and 2019 (above) Kelsey Notch Compliance Reports document the Clubs' failure to properly maintain "safe and environmentally responsible riding opportunities" and "avoid water quality violations." Nash Stream Citizens Committee minutes in 2018 state: "The West Side ATV trail has been closed due to a large washout that occurred during the spring. Dave Govastski asked what caused it. Maggie explained that she had checked it out and was unsure of the exact cause. Water appeared to have run down the road during the spring possibly causing it. Kelley Butler asked if it was going to be fixed during this summer. As of right now it is unclear what will be done and if it will reopen this summer." (Draft June 27, 2018 Meeting Minutes) More than a million dollars has been spent on a preliminary restoration of Nash Stream, with no monitoring for the effect of ATV traffic on fish or anglers. The heavy ATV use, repeated damage to the trails, the condition of the trails and bridges, and the absence of a thorough cost benefit analysis of ATVs in Nash Stream State Forest, indicate that ATV access to the Forest should be suspended permanently. *"not all impacts (of ATVs) can be mitigated with good management. There may still be impacts, for example, on wildlife, air quality, or noise pollution."*

<https://www.arlis.org/docs/vol1/A/53352785.pdf>

Note that ATV riders are free to enjoy the Forest as the rest of the public does, under their own power.

Resources:

<https://www.nh.gov/nhdf/committees-boards/xyz.htm> Nash Stream Citizens Committee

Environmental Effects of Off-Highway Vehicles on Bureau of Land Management Lands: A Literature Synthesis, Annotated Bibliographies, Extensive Bibliographies, and Internet Resources, USGS
<https://pubs.usgs.gov/of/2007/1353/report.pdf>

Review of Ecological Effects of Roads on Terrestrial and Aquatic Communities, 2000
<https://pdfs.semanticscholar.org/c3f4/5ba2fd6de19935f72fb696929f5aef61c4de.pdf>

Effects of All-Terrain Vehicles on Forested Lands and Grasslands, USDA, USDOT, 2008
<https://www.fs.fed.us/t-d/pubs/pdf/ATV/08231811L.pdf>

Cumulative and Universal: ATV Impacts on the Landscape and Wildlife, Backcountry Hunters and Anglers, 2011

https://www.isohc.leg.mn/materials/16_Mtg/DEC_14_2016_ORV_WHITE_PAPER_BackcountryHuntersAnglersofAmerica.pdf

Rutted, Ruined and Damaged: ATV Damage on the Adirondack Forest Preserve, Protect the Adirondacks, 2013 <http://www.protectadks.org/wp-content/uploads/2013/03/RuttedRuinedATVreport-LOWRES.pdf>

All-terrain vehicles in the Adirondacks: Issues and Options, Wildlife Conservation Society, 2003 <https://www.arlis.org/docs/vol1/A/53352785.pdf>

https://www.nhstateparks.org/getmedia/b12abe11-bd52-4d39-811b-6131721df698/Report-Coos-County-Trails-Planning-Framework_Recommendations_NCC_Final_June_2018.pdf

<http://www.gencourt.state.nh.us/rsa/html/xviii/215-a/215-a-mrg.htm>

<https://www.nh.gov/nhdf/documents/complete-book-nash-stream-book-part-1.pdf>

https://www.unlv.edu/sites/default/files/page_files/27/Exposure-to-naturally-occurring-mineral-fibers-Wolfe-et-al-2017.pdf

<https://rewilding.org/who-speaks-for-nash-stream-forest/>

<https://www.nhpr.org/post/north-countrys-nash-stream-putting-environmental-wayback-machine#stream/0>

<https://nepis.epa.gov/Exe/ZyPDF.cgi/P100IDLO.PDF?Dockey=P100IDLO.PDF> (dust)

<https://www.epa.gov/nps> (nonpoint source pollution)

<https://nepis.epa.gov/Exe/ZyPDF.cgi/P100IDLO.PDF?Dockey=P100IDLO.PDF> (dust)

<https://www.fs.fed.us/t-d/pubs/pdf/ATV/08231811L.pdf>

<https://www.nh.gov/osi/planning/programs/cord/meetings/documents/20181108-meeting-packet.pdf>

<https://www.nh.gov/osi/planning/programs/cord/meetings/index.htm>

But what about the economic benefits?

Reports of the economic benefit of ATVs for the North Country are anecdotal, incomplete, confuse correlation with causation, and do not include externalities such as pollution, sickness, global warming, environmental damage, loss of quiet enjoyment of private and public property, loss of property values, and loss of other revenue from other uses of the land that are incompatible with ATV use.

Economic Costs

“Just as it is difficult to capture the precise economic benefits of ATV activity, it is even harder to put a dollar figure on the costs to society of ATV use. Some areas that allow ATV use spend nothing on enforcement, trail construction or maintenance, or environmental remediation. This does not mean that

ATV use has no costs; it simply means that the costs have not yet been addressed by the community. The emerging field of environmental and ecological economics tries to affix numbers to qualities like healthy ecosystems and clean water. This is a complicated subject, but the costs of ATV use can be at least partially captured by the amount of money that needs to be spent in order to have an environmentally stable trail network and lawful use patterns.

The discussion about designated ATV trails in the Allegheny National Forest in Pennsylvania, above, included some figures of the costs of trail construction and maintenance. These included trail construction and maintenance costs. The National Forest attempts to build and maintain ATV trails to a standard of environmental stability—trails that are sufficiently well designed, built and maintained so that their use does not cause erosion, water quality damage, or damage to vegetation or wetlands. Achieving these goals costs \$15,000- 30,000 per mile in construction costs and \$1,000 per mile annually in maintenance costs, according to the Forests' calculations.

The costs of rehabilitating areas that have been used by ATVs in a nonmanaged fashion are not well understood, partly because these areas seldom see maintenance work. The illegal trails created by ATVs in the Chattahoochee-Oconee National Forest in Georgia (see the National Forest section, above, for more information) will cost approximately \$1 million, or an estimated \$1500 per acre of road area, to rehabilitate, according to Forest Service estimates. This amounts to somewhere between \$800 and \$1400 per mile of illegal road depending on its width, and this is a conservative estimate that does not include any wetland remediation or other ecosystem improvements. The numbers estimate the cost of bringing in equipment and personnel to improve drainage and revegetate the area with lime, fertilizer and grasses. The intent of these efforts is to close the trail entirely to use, not to make the trail stable and rideable (Lockett 2003). The cost considerations of reclaiming an area for riding, for restoration as a hiking trail, for repairing ecosystem and wetland damage, or simply closing an area entirely, are obviously quite different and complex.”

Externality and Equity Issues

“Externality” is the term used by economists to describe a situation where one person or group benefits from a situation, while a different person or group pays the costs associated with it. In the case of ATV use, an externality is present if a group of riders benefits from public land being open to ATV use, but the general public pays the price of environmental damage caused by the ATV use. In some cases, these costs may be the actual, financial costs of rehabilitation, and in other cases the costs may be less tangible, such as the effect that listening to ATVs or looking at damaged vegetation might have on other users of public lands. In either case, if externalities are present, they are an important factor in the economic effects of ATV use. An issue related to externalities is equity, the less technical concept that land management policies should not unfairly or disproportionately affect one segment of the population. ORV users often make equity arguments about their rights to have public lands open to ORV use just as they are open to other kinds of uses. This is an important concern; where ORV use is restricted, it should be restricted on grounds that are defensible. A bias against motorized use should not, independently, be a rationale for limiting access; policies which are seen as arbitrary or inequitable undercut the validity of the policy process and respect for existing laws. Policies which are seen as arbitrary or inequitable undercut the validity of the policy process and respect for existing laws wildlife conservation society

Summary of Economic Issues

The prism of economic analysis is sometimes used to judge public policy in the following way: if the economic benefits of a policy are greater than the economic costs of the policy, and if the policy does not pose significant externality or equity challenges, then it may be seen as worthwhile. It would be difficult to assess any ATV-related policy by this metric at the current time. The limited information that is available about the costs and about the benefits of ATV use (especially in New York) suggest that a great deal more research needs to be done before any ATV policy can be deemed economically viable. Even if more comprehensive cost/benefit analyses are done, there are a few critically important questions to consider:

- Is economics the right tool for policy analysis concerning ATVs? There are important factors associated with ATV use that are nearly impossible to capture in even the most complete economic model. It is valuable to have an understanding of the costs and benefits, but often these alone don't show the full policy picture.
- If economics is a useful tool, how carefully are costs and benefits being evaluated? Historically, cost/benefit analyses have failed to account for environmental costs. Any thorough analysis of the economics of ATV use needs to take all factors fully into account.
- Are externality issues being considered? Are the economic benefits directly helping to pay for the economic costs?
- Are equity concerns being fairly addressed? Is one segment of the population being disproportionately negatively affected by the existing policy?
- Are the economic benefits felt locally, or does much of the money leave the area before causing an economic benefit?...

As noted above in the section on environmental impacts of ATVs, not all impacts can be mitigated with good management. There may still be impacts, for example, on wildlife, air quality, or noise pollution.”

<https://www.arlis.org/docs/vol1/A/53352785.pdf>

“Other critical points on the impacts of ATV use on the physical environment are:

- The impacts of ATV use are cumulative, universal, and can be achieved by low intensity traffic over short time periods.
- ATV use effects soil and hydrologic function primarily through soil compaction, increased soil strength, removal of the forest litter layer, and destruction of soil crusts. These changes in soil properties increase erosion and stream sediment deposition and decrease plant productivity.
- Seasonal restrictions on ATV use are necessary to limit the impact of ATV use on soils, vegetation, and watersheds.
- Restricting ATV use in areas of low road density is necessary to reduce the spread of invasive species and protect the community structure of native species.
- ATV impacts on the environment are similar regardless of the type of ATV.

- Recovery from the impacts of ATV use to pre-disturbance conditions can take generations.
- Restoring sites degraded by ATV's is unfeasible as long as ATV use continues.”

https://www.lsohc.leg.mn/materials/16_Mtg/

[DEC 14 2016 ORV WHITE PAPER BackcountryHuntersAnglersofAmerica.pdf](#)

Kris Pastoriza

Easton, NH

krispastoriza@gmail.com

January 24, 2020

Introduction:

The economic claims of ATV proponents have gone largely unexamined. While data supports the argument that ATV traffic harms the real estate and broader outdoor recreational economy, there is no demonstrable proof that supposed net benefits from ATVing actually exist.

Communities that have embraced ATV tourism lag on several measures behind neighbors that have chosen alternative paths. Notably the focus on interconnected riding areas, e.g. "Ride the Wilds" maximizes the negative impacts of ATVing by bringing the activity into close proximity and conflict with residents and other outdoor recreation pursuits, whose total economic impact far outweighs that of ATVs.

The current emphasis on OHRV trails undermines the larger economic opportunities to be found in the diverse, traditional non-motorized recreation activities. The economic development of Ride the Wilds has been overhyped, the development haphazard and the impact on residential quality of life ignored. There needs to be more careful management of OHRVs in order to have a dynamic, strong, sustainable recreational economy, because the current ATV strategy is actually limiting opportunities for economic development in the North Country.

Tax data (Meals and Rentals):

The Meals and Rentals tax receipts for Coos County have grown unevenly at an average rate of 6.1%, from 2012 to 2018. The highest M&R growth year in the current decade was actually 13.59% in 2010, before Ride the Wilds began.

The *total* growth in M&R taxes in Coos County from 2012 to 2018 was 36.5%, vs. 47% in nearby Grafton County, which has embraced non-motorized recreation instead of ATVs.¹

As another point of comparison, Appalachian Mountain Club huts' M&R tax receipts in Coos County grew 6.3% from 2012 through 2017, the most recent year available.² This rate is slightly faster than the county as a whole, and demonstrates that Ride the Wilds is hardly the sole contributor. In fact, as will be addressed below, ATV recreation drives other visitors away, so the ATV presence is most likely depressing overall tax receipts.

A recent New Hampshire Fiscal Policy Institute study shows that since Ride the Wilds began, total jobs in Coos County have declined in absolute terms. Coos has been the only NH county to see a protracted and meaningful decline.³

Many businesses will tell you off the record that ATVs not only do not help their bottom line, but actually chase away their hard built customer base. Multiple locally owned small businesses in Gorham see their businesses decline on busy ATV weekends, as the ATV presence drives

¹ NH Dept. of Strategic Initiatives

² AMC data

³ <http://indepthnh.org/2019/08/30/nhfpi-analysis-many-granite-staters-face-difficult-economic-realities/>

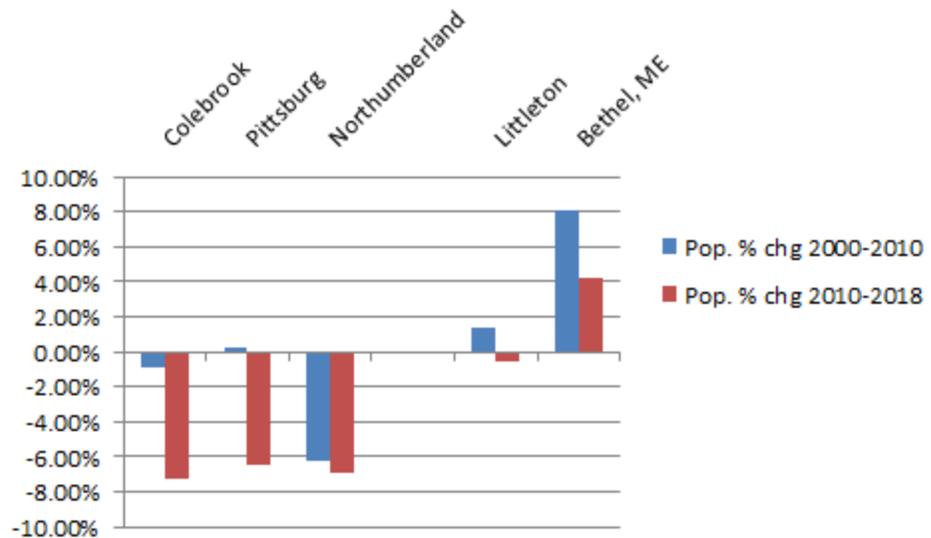
everyone else away. Meanwhile, in Berlin, the epicenter of ATVing in the state, seven years after the beginning of Ride the Wilds, there is still no operational hotel in the city. It begs the question why ATVing has failed to spur this most basic component of economic growth in the ATVing mecca of New Hampshire. Instead, ATVs ride on roads through nearby Gorham, blighting a residential neighborhood and disrupting and undermining a growing economy focused on non-motorized recreation, primarily hiking and mountain biking. Meanwhile, the one new recent hotel in Coos county is the Glen House at the base of Mt. Washington, which caters to the non-motorized tourist.

Population Impacts:

From listening to residents, we know that ATV traffic on roads, “connector trails,” drives people away. In Pittsburg, Northumberland, Gorham and Stewartstown there are numerous cases of long-time residents leaving to escape ATV noise and pollution.

A numerical analysis of the towns hardest hit by ATV tourism since Ride the Wilds was launched in 2012 shows an accelerating depopulation. Population trends from 2010 to 2018 are actually worse than the prior decade, which included the Great Recession. Colebrook, Pittsburg, and Northumberland all show population declines of 6% to 7% over the period, or roughly 1% per year. Population

trends in Colebrook and Pittsburg had been stable in the prior decade, while Northumberland (Groveton) had seen a paper mill closure in 2007. Berlin’s data would be helpful, but it is difficult to draw out the impact of the



prison population, which provided a boost in 2014. Since then the Berlin population has been in steady decline similar to that seen in the other towns that have embraced ATVing as an economic salve. An interesting counterpoint is Littleton, in Grafton County. Also a North Country town, it has embraced non-motorized recreation like hiking, back-country skiing, and mountain biking. Its population has been roughly stable from 2010 to 2018. Other nearby towns such as Bethel, ME, that have embraced non-motorized recreation instead of ATVing have seen similarly better outcomes.⁴ The contrast is striking, but makes sense when one considers that these

⁴ US Census Data. census.gov

growing non-motorized markets attract significantly larger numbers of participants. In short, ATVing has done nothing to alleviate population exodus from upper Coos County, and in fact may be making the situation worse, which we will examine shortly.

The median age in most North Country communities is close to 50, or higher, and younger people continue to leave. The region needs to attract outsiders to avoid sustained population decline. Inviting an activity that is widely viewed as a nuisance, and antagonizes the 98% of the population that doesn't participate, is just poor public policy.

The precipitous declines in population for the ATV towns does not speak to a strong economic driver, particularly after seven years of concerted industry and state funded marketing, legal support (defending BOT from lawsuits as courts recognize OHRV trails in residential settings as a legally actionable "nuisance"), taxpayer financed subsidies (increased pressure on local, county and state law enforcement agencies), and local boosterism. The contrast with communities like Littleton that have chosen a different path is stark.

Case Study: Gorham Real Estate Impacts:

A study in Gorham along a road opened to ATVs showed homes along this road sold for 12% less than similar homes with no ATV exposure. Moreover, real estate agents admitted that they showed homes along ATV roads primarily to ATV enthusiasts, because the road-trail was an issue and a "nuisance factor".⁵ This corresponds closely with the experience in other towns where long-time residents have been leaving ATV roads, to be replaced by rentals, seasonal homeowners, or simply vacants.

This clearly dispels the notion that opening roads to ATVs improves saleability. Instead, such roads see sales mainly to ATVers, because no one else wants them, with the ATV presence effectively being a blight.

Recreational Economy Impacts:

The economic story of ATVing in New Hampshire isn't just one of unmet promises. The Bureau of Tails, and current law, allows ATVs to travel virtually everywhere in upper Coos County. There are 100s of miles of roads and rail trails open to ATVs, including logging roads and purpose-built trails. Traffic, particularly on town and state roads and rail trails, doesn't just drive away residents. It also drives away other recreational users. Complaints are increasingly common from other user groups like hikers, fisherman, bikers, and hunters, that ATVs have become a nuisance and have degraded the North Country experience for everyone else.

These first hand accounts are supported by empirical studies and data gathered elsewhere. A study by the state of Wisconsin on one of its multi-use trails demonstrated that ATVing was the single most antagonistic activity to other user groups. The effect is that ATVing drives all of

⁵ Gorham Real Estate Diminution Report and Deposition

these other users away. There are real economic costs to the pervasiveness of ATVing in the North Country, and anywhere in New Hampshire, as will become clear in the next section.⁶

Table 1. Average land-based recreational activity compatibility ratings.

PRIMARY USE ^a	Interacting use ^a										Average compatibility
	ATV riding	Hunting	Snowmobiling	Horseback riding	Mountain biking	Cross-country skiing	Linear trail biking	Hiking	Wildlife watching	Camping	
ATV riding	X	5.3	6.5	5.1	5.5	4.9	5.5	6.1	6.9	7.5	6.0
Hunting	3.3	X	3.7	4.7	4.3	5.3	5.7	5.4	6.0	6.3	5.0
Snowmobiling	4.3	4.0	X	4.0	4.8	4.3	5.8	5.3	6.3	7.2	5.1
Horseback riding	2.2	3.5	3.0	X	3.8	4.9	4.5	6.3	7.3	7.7	4.8
Mountain biking	3.1	3.6	4.7	4.8	X	5.7	8.1	6.1	7.4	8.0	5.7
Cross-country skiing	1.8	3.6	2.6	3.3	4.2	X	5.6	4.9	8.1	8.5	4.7
Linear trail biking	2.6	3.9	5.5	5.3	8.2	7.1	X	7.4	8.0	8.7	6.3
Hiking	2.4	3.5	3.5	5.7	4.7	6.1	6.5	X	8.9	9.2	5.6
Wildlife watching	2.2	3.2	2.9	6.4	5.2	7.6	6.8	8.6	X	8.3	5.7
Camping	3.9	4.1	5.0	7.5	7.8	8.2	8.2	8.9	8.5	X	6.9
Average compatibility	2.9	3.9	4.2	5.2	5.4	6.0	6.3	6.6	7.5	7.9	

■ highly competitive or antagonistic (below 4.0)
■ moderately to mildly competitive (4.0–7.0)
■ supplementary or complementary (7.0 and above)

Source: WDNR 2006, 4–6.

^aCompatibility ratings reflect the perceived level of conflict from the perspective of trail users participating in the activities in the left column—the primary use. Ratings should therefore be read horizontally. Results are based on responses from 23 Wisconsin recreation professionals.

There can be a place for ATVing, but it is demonstrably incompatible with most other forms of recreation (let alone residences).

Opportunity Cost:

Both the current and potential market for non-motorized recreation in Coos County dwarfs that of ATVs. As of 2018, there were 23,386 ATV and dirt-bike in-state registrations in New Hampshire. There are likely multiple ATVs registered to individual owners, but even if each ATV represents only one user, this amounts to 1.6% of New Hampshire’s population. From 2018 to 2019, total registrations actually fell 3.7%. Residential (New Hampshire) ATV registrations have actually seen no growth since 2007. In fact, there has been almost no growth in residential registrations since 2002, and the share of the state’s population represented by registrations has actually fallen.⁷

This relatively small and stagnant market pales in comparison to the non-motorized economic opportunity. As opposed to ATVing’s sub-2% participation rate, 67% of NH residents participate in non-ATV outdoor recreation annually. Among the most popular non-motorized activities are running/trail-running, backpacking, and mountain biking. In the ten years from 2007-2017 (most

⁶ <https://learningstore.uwex.edu/Assets/pdfs/G3880.pdf>

⁷ NH Fish and Game data

recent available) these activities nationally grew 33%, 65%, and 25% respectively. Non-motorized recreation is a much faster growing and larger economic opportunity, that represents a much broader segment of New Hampshire's population, but current state policy undermines it in order to favor ATVing. This makes no sense.⁸

When we consider the potential economic opportunity being displaced by ATVs, the comparison is eye opening. Based on the last available comprehensive study of ATV economic impacts in New Hampshire, ATVs account for roughly 6% of total direct, indirect, and induced outdoor spending in New Hampshire.⁹ More recent numbers on a national level paint a similar picture, and show that ATV spending is less than ten percent of the summer non-motorized market, not including canoeing/kayaking. Fish and Game sells almost nine times as many hunting and fishing licenses, even today, as ATV and dirt bike licenses.¹⁰ Something seemingly as passive as wildlife watching has associated annual expenditures of \$75.9b, which alone is 50% greater than ATV expenditures.¹¹ The Wisconsin study indicates that this, like most other recreational activities, is adversely impacted by the presence of ATVs. Why is the state focusing on developing something that is 6% of the economic outdoor opportunity, at the clear expense of the other 94%? This is not just bad for recreational users, it is bad economic policy, and is impairing the growth potential of the North Country.

8

https://outdoorindustry.org/wp-content/uploads/congressionaldata/NEW-HAMPSHIRE/OIA-ConDist-New-Hampshire_2.pdf

<https://outdoorindustry.org/resource/2018-outdoor-participation-report/>

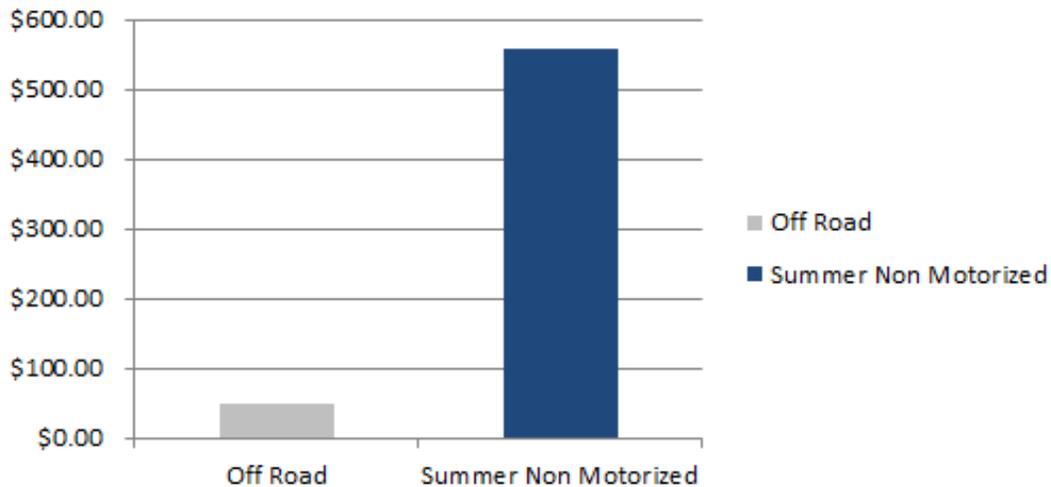
9

<https://northernforest.org/images/resources/regional-economy-research/nfseinaatureandheritagetourism.pdf> (adjusted for changes in registration and inflation)

¹⁰ Based on F&G 2018 data, all registrations

¹¹ <https://www.census.gov/content/dam/Census/library/visualizations/2016/demo/fhw16-qkfact.pdf>

Total National Annual Expenditures \$b



12

Case Study: Moose Brook State Park

ATV users can currently camp at Moose Brook State Park, but they must trailer their machines to a trailhead; the roads and trails adjacent to the park are not open to OHRVs. For several years, the state park allowed ATVs to ride directly to Jericho State Park (state ATV park), through the park on the weekend of the Jericho ATV Festival. The state stopped this practice in 2019 for two reasons.

The first is that despite making special accommodations for ATVs, they found that overall usage of Moose Brook Park and its campground actually declined on those weekends, because ATVs did not fill the campground, and drove away the other users who typically use the campground. In 2015, occupancy of the park was roughly equal across the weekends before, during, and after the festival. After that year of allowing ATV travel in the park, there was a marked shift. In 2016 occupancy in the weekends before or after the ATV festival was on average 45% higher than during the festival. In 2017 it was 77% higher. In 2018, 74% higher. The state discontinued ATV travel in Moose Brook during the Jericho ATV festival in 2019, and the weekends on either side had only 20% higher average occupancy. With no ATV traffic, occupancy is returning to normal.¹³

¹² https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf
https://outdoorindustry.org/wp-content/uploads/congressionaldata/NEW-HAMPSHIRE/OIA-ConDist-New-Hampshire_2.pdf

¹³ Data provided by NH DNCR. Note that number of nights followed a similar pattern. This may reflect people coming to Moose Brook State Park, and deciding not to stay the whole weekend.

Secondly the limited use from just 3 days of ATV traffic a year inflicted notable damage to the central access road in the park. The state had to spend \$19,467.69 just to repair the road, which is the central access to many biking and hiking trails, to working order.¹⁴¹⁵ The state clearly lost money by having ATVs in the park.

These impacts exemplify the negative ATV impact on recreation and recreation dollars more broadly. These examples and studies demonstrate that ATVs drive other recreational users away, and undercut the much larger economic opportunities they represent.

Conclusions:

To recap, ATV tourism in the North Country, and Ride the Wilds in particular has not had any demonstrable net positive impact to the economy. There has been no overall improvement in the economy in terms of population retention, job creation, or tax revenue on a county-wide basis. Communities that have embraced ATVing like Berlin, Colebrook, and Pittsburg have seen worse outcomes than nearby communities that have taken other economic development approaches such as favoring non-motorized recreation.

While opening roads to ATVs may (for now) lead to more real estate sales to ATVers, it appears to lead to lower property values, and a constricted market. Non-ATVers are less likely to purchase property on such roads, and long-time residents are choosing to leave.

Perhaps most significantly, the much larger economic opportunity that exists in non-motorized outdoor recreation is being undermined and impeded by the overbearing footprint of ATV recreation in Coos County.

Recommendations:

ATV tourism, residents, and the much larger outdoor economy can coexist, but this requires careful planning. ATV recreation should be steered away from residential areas and areas with either existing or high potential for other higher dollar-value outdoor recreation. For example, Pittsburg closes its trails September 30th so as not to interfere w/ the hunting season. ATV use on multi-use trails should be limited as much as possible, and wherever possible ATV use of roads should be minimized out of concern for adverse impacts on residents as well as other recreational economic opportunities.

New Hampshire had standards in place following a study done 18 years ago that addressed these concerns. The ATV industry and the Bureau of Trails undid these carefully constructed protections, and it is past time to bring them back, for the good of the state's residents, and for the good of the economy.

¹⁴ 2018 Recreational Trails Program Grant Statement, DNCR

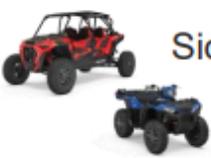
¹⁵ Coos Cycling Club letter to DNCR, 11/16/17

Appendix:

ATV users have an average age of roughly 45, nearly a decade older than the US average of 38. ATVing is not a growth industry. Recent growth in USD\$ terms has come from the switch from classic four-wheelers to more expensive side-by-sides, as the user group gets older. Side-by-side growth is slowing dramatically. In the beginning of the decade many snowmobilers and ATVers bought side-by-sides. This is tapering off. Side-by-side growth was 10-20% plus earlier this decade, but now tends to be in the low single digits, or negative. See Polaris recent results below. The customer base is aging and stagnant, but dealers have upsold their customers as the customer base ages. This is not a promising long term economic growth engine.

Recent Polaris results indicate a mature/slowing market. Growth in US Dollar terms, where it exists, appears to be coming from higher prices, not necessarily higher unit sales.

Q1'19 Retail Sales by Business		
Y/Y Retail % Change (units)	POLARIS	INDUSTRY
TOTAL COMPANY*	↓ 3%	↔ Flat
 Off-Road Vehicles	↓ mid-single digits %	↓ low-single digits % (estimate)
Side-by-Sides	↓ low-single digits %	
ATVs	↓ low-double digits %	

Q2'19 Retail Sales by Business		
	POLARIS	COMMENTS
 Off-Road Vehicles	↓ low-single digits %	<i>Higher priced / higher margin RANGER/RZR continue to perform well</i>
Side-by-Sides	↑ low-single digits %	
ATVs	↓ high-single digits %	

Author:

John Petrofsky

Stewartstown, NH

BA, Stanford University

MBA, University of Virginia