

Kelsey Notch ATV Connector Trail
Nash Stream Forest– Columbia Component

Response to CORD Management Concerns
Pursuant to RSA 162-C:6

Concern: Thanks for the information you provided for CORD's April 11 meeting on the Nash Stream State Forest ATV trail proposal. Meredith Hatfield, Tracey Boisvert and I have reviewed it and we think CORD members need additional information in order to make an informed, well reasoned decision, and fulfill our statutory obligations.

Response: It remains unsure as to the role of CORD regarding LCIP-fund purchased properties. Can CORD stop a project after an agency has spent months sifting it through various levels of review?, or advise where a "loose end" may need further attention without delay. We intend to have staff from the Trails Bureau, as well as a representative of the local club at the CORD meeting. They can further elaborate on items if CORD members have questions.

Concern: We think the proposal should address the factors mentioned in RSA 162-C:6, II and III, which is the legal basis for CORD's oversight of LCIP properties, and how the proposed ATV trail relates to maintaining natural beauty, protecting natural resources, maintaining public access, and is in the best interests of conservation and protection of the values listed in that statute.

Response: Nash Stream Forest (the Forest) might today be 40,000 acres of private camp lots and homes with snow machines, ATV, dirt bikes, golf carts and the like running amuck across the entire landscape, or poor forest management practices being used to decimate the forest. Fortunately, today the Forest is a well managed special public holding where the balance between maintaining natural beauty and protecting natural resources and the harvesting of forest products and providing for public outdoor recreation is evaluated on a daily basis by DRED and its partners – F&G, USFS and others. As presented to CORD on March 14th, ATV use was established in 2002 along the 8-mile (approximately 29 acres of 30'-wide corridor) "West Side" trail in the Stratford component of the Forest. The subject request for public ATV use is for a 2.5 mile (approximately 9 acres) trail connector across the northern tip of the Forest. Both OHRV corridors occur at the outer fringe of the Forest and directly impact only 0.1% of the Forest acreage (39,169 total acres).

Concern: We also think the proposal should explain how the proposed ATV trail fits, or does not fit, within the context of the amended Nash Stream Master Plan, as well as to the evaluation process required by RSA 215-A:43 through 45. Some description of how the proposed trail complies with the coarse and fine filter criteria listed in that statute

would be helpful. Some of this explanation may also help to frame your request in the context of CORD's statute (RSA 162-C:6).

Response: Through staff review and from public hearings, the "pilot" West Side Trail was established and documented in the 2002 Revised Management Plan, and became a permanent trail for public ATV use by Commissioner decree in 2007. The subject request has followed that same path, and currently DRED is seeking a 3-year "pilot agreement" for additional ATV use in the Forest, known as "Kelsey Notch Connector Trail". DRED believes that all requirements of RSA 215-A:43 have been met and note that DRED, F&G and DES staff have been directly involved in siting the proposed trail corridor in light of the coarse and fine filter criteria. The proposal was part of a publicly noticed meeting of the Nash Stream Citizens Committee and the proposal was in the media.

Concern: One of the questions raised at the last CORD meeting was how the proposal relates to an overall plan for ATV trails both in the Nash Stream State Forest and the larger North Country area. Are there plans for additional trails? How does this segment relate to the larger proposed ATV trail network? The proposal should address these questions.

Response: No overall written plan has been completed. A plan of the entire North Country "Ride the Wild" OHRV trail system will be made part of the presentation at the April 11th CORD meeting. The Bureau of Trails has been using the 2004-2008 Plan for Developing NH's Statewide System for ATVs and Trail Bikes and the Jericho Mountain State Park Master Development Plan as guiding documents for these interconnected trail system; both documents note the need for linking existing trails together.

Concern: Another question raised at the last meeting, which the proposal should also address, involved whether the necessary resources are available to manage and enforce proper use of the ATV trails. This issue is also included in RSA 215-A.

Response: Enforcement of our public roads, water and trails is a never-ending concern. DRED's forest ranger staff and F&G's conservation officer staff are attentive to the need for adequate law enforcement of the new trail system. Safe and lawful use of the trail system by the public will help determine if the pilot trail across the Forest will continue.

Concern: We think the proposal should also explain in more detail the two Kelsey Notch options. What issues are presented by the two options? Is there a preferred option? Will existing roads be utilized, or will new trail be constructed? Are there natural resource protection issues raised by the different options? When will DRED know which option it will pursue?

Response: First priority; DRED requests CORD's acquiescence to the "Kelsey Notch Connector Trail", which depends on private landowner permission to the east and

northwest of the Forest corridor. Second priority is CORD's acquiescence to the "spur" leading from Kelsey Notch Connector Trail to the terminus of Kelsey Notch Road (Class VI), in the event that said private land owner permission is lost. Use of Kelsey Notch Road is dependant upon approval by the Columbia Board of Selectmen for public ATV use on specific Class V roads. DRED is actively pursuing the Kelsey Notch Connector Trail option. The local club is actively working with the Town of Columbia for the designation of Kelsey Notch Road as an OHRV route at this time also. If successful they will request the 500' of existing road from the Kelsey Notch Connector to Kelsey Notch Road (priority 2). The spur to Kelsey Notch Road would be needed to complete the loop trail to the south.

Concern: The maps you provided reference Sheets 1, 2 and 3. It looks as if Sheet 3 involves the Stark Connection (southern route), which you have withdrawn from consideration. Perhaps Sheet 2 can be eliminated, while Sheet 1 can be used to illustrate your overall plan (including future trail proposals) and Sheet 3 can be renumbered and used to illustrate the two Kelsey Notch options.

Response: Yes, DRED requests that the "Stark Connector" be withdrawn from the table while DRED continues to process this segment of the "Ride the Wild" system. The Stark Connector will be discussed later this year when the agency starts the update process of its management plan. Plan numbers have been revised as requested for clarity purposes.

Concern: Also, we think it would be helpful for the proposal to provide some information about the ways in which the public and other state agencies have had input into the discussions of the various trail proposals, what concerns were raised and how they've been addressed.

Response: The OHRV trail proposal has been walked through and/or reviewed by staff from the following public agencies:

Bureau of Forest Management, Division of Forests & Lands
Bureau of Trails, Division of Parks & Recreation
Division of Wildlife, Fish & Game Department
Wetlands Bureau, Department of Environmental Services
Natural Heritage Bureau, Division of Forests and Lands
Division of Historical Resources
Office of Energy and Planning

As presented to CORD at the last meeting, the proposal has been reviewed, and approved, by the Nash Stream Citizens Advisory Committee, DRED Land Management Team (DLMT), State Lands Management Team (SLMT), and the Cooperative Lands Administrators Committee (CLAC). The Nash Stream Citizens Advisory Committee meeting was open to the public and the agenda of the meeting was duly noticed in local and statewide media. Comments are on file at DRED.

Concern: Do you think this additional information can be provided to us to distribute to CORD members no later than April 8, or would it be better to reschedule the meeting to later in April to give you more time to develop the information? We recognize that there is some urgency in obtaining CORD's review of this proposal, but want to avoid having CORD delay a decision on April 11 for lack of all the information members may feel they need to carry out their oversight responsibilities.

Response: Please conduct the April 11th meeting. When DRED staff left the meeting they were tasked with providing the information that CORD wanted at that time. This new request is well beyond what members of CORD asked for and we believe we have followed the process required by statute and policy to date. It is our belief that CORD members have the information they need to make a decision, if a decision is warranted. During the CORD meeting members asked Chris Gamache what he wanted from CORD for action; when he asked what CORD's role was in this matter members could not agree on what it was. If CORD approval is needed we ask that the group meet on the 11th and take whichever action CORD has been advised is appropriate.

Concern: We want to be as accommodating to DRED's timing issues as we can be, but also want to avoid the need for additional CORD meetings to reach a decision for lack of information. I think we share the common goal of a well-reasoned CORD decision based on the proper criteria.

Response: DRED is still unsure of the role that CORD plays in land management decisions and unsure of what "the proper criteria" is. This proposal was scheduled for CORD review as an Information Item, then became an item that "might" need a vote and just prior to our presenting this project it was decided that it might need a vote but no one is sure. DRED has been managing this property, and many others purchased through LCIP funds, for decades and has followed all existing land management practices, policies and statutes. For CORD to request the duplication of previous meetings and information is counter to the public process currently followed by land management agencies. It is our understanding that during a discussion with Counsel it was recommended that CORD not micromanage the land management agencies and the processes they currently follow.

With that being said; CORD's role is still unclear but if CORD is now part of the land management approval process we would request this project be supported by CORD at the special April 11th meeting.

History of State – DRED Management of Nash Stream Forest Since 1988

On October 27, 1988, the State of New Hampshire purchased 39,601 acres for \$7.65 million (Land Conservation Investment Program funding) from Diamond International Corporation, and assigned the land to the Department of Resources and Economic Development. In August of 1989, the State sold a Conservation Easement on Nash Stream Forest to the Federal Government for \$3.95 million.

Nash Stream Forest was purchased to insure that the property continued to contribute to the traditional wood-products based economy and culture of the North Country, to assure continued public access for recreational purposes, and to protect areas of natural beauty and ecological value. Investing more than a 1000 hours of time, the “Advisory Committee” and a “Technical Team” made up of State and Federal agencies with public input throughout the process, produced “Nash Stream Forest Management Plan” that was printed in 1995.

Item 11 of the “Public Use Guidelines” section of the 1995 Master Plan (page 129) recites: “The use of all-terrain vehicles (ATVs) and trail bikes is prohibited.”

Thru 2001, several issues emerged since the Nash Stream Forest Management Plan was adopted in 1995. The following three (3) major issues were identified and addressed:

1. lifting the prohibition on recreational use of ATVs
2. changing the private camp lot license policy
3. establishing a specific Plan revision schedule

In 2002, DRED published “Nash Stream Forest Management Plan Updates and Revisions” (the “Revised Plan”).

Excerpts from the Revised Plan regarding ATV use at Nash Stream Forest:

- (Foreword) “As a result of the Plan revision process, a 3 to 5 year pilot ATV connecting trail for riders to use the 5-mile long West Side Road and connector trails to private property to the west has been established. Growth in the use and popularity of ATVs, their economic importance to the North Country, and legislation prompting timely planning and approval of an ATV trail in Nash Stream Forest (HB 1273) were instrumental in the decision to establish a pilot ATV trail and related environmental monitoring. A final decision (by the Commissioner of DRED) on whether the trail will be continued or terminated will be made following the trial period.”
- (page 9 & 10) “ATV Use – West Side Connector -The purpose of the pilot ATV trail project is to determine the suitability and impact of the operation of ATVs on the Nash Stream Forest under the land stewardship philosophy and

guidelines established and adopted in the Management Vision....final assessment shall be considered by the Commissioner of DRED to continue or not continue ATV use and trail designation in the Nash Stream Forest.”

- During 3 year pilot water quality and wildlife studies were conducted. Water quality studies showed no negative water quality impacts to local streams and brook from ATV use. Bird study found no known negative impacts to birds along the approved route.

Notes:

- Commissioner Bald approved continued use of ATVs on West Side Road Trail in January 2007, and on January 25, 2007, the Nash Stream Citizen’s Advisory Committee endorsed DRED’s issuance of a 3-year annual agreement to North Country ATV Club.
- Electronic copies of the “Nash Stream Forest Management Plan (1995) and the Revised Plan (2002) are available upon request.