

To: Phil Bryce, Tom Miner, Nash Stream Citizens Advisory Committee
From: Dave Publicover and Peter Benson
Date: 2/7/02
Re: Nash Stream ATV Study Committee

It is with the utmost respect and concern for the Nash Stream Forest and the citizens of New Hampshire that we write this memo to express concerns with the work of the Nash Stream ATV Study Committee. Please accept this memo as a "minority report" of the Appalachian Mountain Club and The Nature Conservancy to be included with the official record of the Committee.

It is our opinion that the Study Committee failed to adequately complete its assigned task, and produced no information that would help to advance an informed dialogue on the issue of ATVs in Nash Stream Forest. The charge to the Study Committee was laid out in a memo from Phil Bryce dated December 3, 2001: "The purpose of the committee is to conduct an *in depth* analysis of the issues surrounding the establishment of ATV trails on state lands by evaluating a specific proposal." [italics added]. The issue of ATV's on public lands is a highly contentious and complex issue. The Study Committee held only a single 90-minute public meeting, which was not sufficient to identify or review the complexities of this important topic. In no way did the Committee's work represent the in depth analysis called for by Director Bryce.

The only official action taken by the Committee was the adoption of a motion recommending that an ATV connector trail be established on the forest, an action that we believe was premature. However, it was unclear whether it was part of the Committee's charge to make such a recommendation – the Committee was established as an information-gathering body.

As you know, AMC and TNC have publicly expressed our opinion that ATV use is inconsistent with the purposes for which Nash Stream State Forest was acquired, and with the intent and letter of the existing management plan. As members of the Nash Stream Citizens Advisory Committee, we would expect that any recommendation to DRED to allow the trial use of ATV's on Nash Stream Forest would be the result of a fair and well-informed process that considers and addresses the many issues associated with this use. Such a decision should not be inappropriately legitimized by reference to a Study Committee that collected little information, identified no issues or concerns, and produced no written report that could help inform the Nash Stream Advisory Committee, DRED, the legislature, or the public.

Among the issues and potential impacts that the Committee failed to consider are:

- Conflicts between the proposed use and the Vision for the property outlined in the current management plan, which was adopted only six years ago following an extensive public process. Among the relevant statements in the Vision are (italics added)¹:
 - "Continue to offer public access for traditional, *low impact*, dispersed recreation."

¹ Nash Stream Management Plan pages 61-64.

- Monitoring, enforcement and maintenance. Among the questions that should have been addressed are:
 - Who would have responsibility for monitoring use of the trail system and enforcing use policies?
 - How would unauthorized use or off-trail use be controlled?
 - Who would have responsibility for maintaining the trail system and repairing damage from unauthorized or inappropriate use?
 - How would these responsibilities be divided between ATV and snowmobile users where these uses overlap?
 - What is the potential impact of this use on adjacent landowners?
 - Perhaps most importantly, if the proposed use were to be adopted with a defined trial period, what process and criteria would be used to determine if the use should be continued as is, curtailed or ended?

- Impact of this use on Division of Forests and Lands personnel and programs. Among the questions that should have been addressed are:
 - What additional responsibilities will be imposed on DFL personnel as a result of allowing this use?
 - What is the potential impact of these additional responsibilities on the ability of DFL personnel to carry out existing programmatic responsibilities?

- Financial considerations. Among the questions that should have been addressed are:
 - What are the financial costs associated with allowing this use?
 - How will these costs be divided between state agencies and user groups?
 - What will be the source of funds to meet these costs?

The ATV Study Committee's failure to identify any issues or concerns, or to collect any information that would help evaluate them, has not advanced the dialogue. In our opinion, the Study Committee has simply passed the responsibility to address these questions on to others, while rushing to an uninformed recommendation. Our strong recommendation would be to have the Study Committee or the Citizens Advisory Committee perform the due diligence required for an informed conclusion in advance of a decision allowing any ATV use on Nash Stream. Should the ATV use proposal go forward however, we remain convinced that this due diligence should be conducted, and would urge DRED to work with the Nash Stream Committee to conduct a thorough evaluation that is consistent with the history of sound management planning and decision-making that has characterized the public – private partnership at Nash Stream State Forest.