

Testimony Regarding ATV & Trailbike Useage on "Nash Stream" State Property
October 25, 2001 - Pemi-Baker High School

TO: Chairman of the public hearing on the "Nash Stream" management plan:
From: State Representative John Alger
CC: Members of State ATV Study Committee Chartered under HB 717

Mr. Chairman:

My name is John Alger, State Representative for Grafton County District #9 representing the towns of Dorchester, Groton, Rumney, and Wentworth. In the fall of last year I initiated legislation as House Bill # 717 establishing a study committee of ATV and Trailbikes which was required to respond to two objectives:

- 1) Should the State of New Hampshire continue to offer trails for recreational riding of ATV and Trailbikes?
- 2) If the answer to the first objective is "yes" what should the plans and procedures be to accomplish continuation of State trails?

That bill is now law and I was elected Chairman of the study committee with Representative Bob Odell's Vice Chair, Representative Bob McGuire as secretary, and Representative Charles Royce, Senators Burns, Flanders, Gordon, and O'Neil also on the Committee.

The Committee has held three public hearings in addition to two hearings held last spring in the process of approving the bill. From those hearings the following concerns and needs have been forcefully expressed by a multitude of witnesses:

- 1) New Hampshire registration of snowmobiles, ATVs' and trailbikes has grown and is continuing to grow with over 60,000 snowmobiles, over 23,000 ATV and trailbikes registered this year, mostly for recreational use. ATVs are forecast to grow next year again at 14 to 15% or another 3,000 units.
- 2) Through the years volunteer snowmobile clubs have come into existence that, supported by State money and personnel, successfully manage and maintain several thousand miles of snowmobile trails used only during the winter months on State land and, by permission, extensively on private lands.
- 3) The same cannot be said of ATV and Trailbike clubs which are just recently coming into existence with a new state-wide organization and a few dedicated clubs who seek trails substantially for year-around useage.
- 4) One of the dedicated clubs is North Country ATV that seeks, and has for four years, sought permission to develop, naintain and operate, under State guidance and support, an ATV trail on the State-owned "Nash Stream" property. They even have proposed a specific line of trails on the "Nash" property although permission has not been given by the State to survey and develop a plan for such a trail.
- 5) Illegal use of ATVs' is occuring on both State and private lands consisting of driving on trails without permission, driving off trails without permission, driving at early and late hours, loud noise, extensive trail erosion, and generally impolite and illegal behavior by a portion of owners of ATVs'.
- 6) The "Nash Stream" management plan, developed and approved in the late 1990's, includes permission for ATV use by the disabled because of the Federal "ADA" law requiring equal access for the disabled where

access is available to the public. Snowmobile trails are allowed but ATV trails are specifically excluded. The use of ATV in "Nash Stream" by the disabled has not been defined and apparently has not been sought by disabled persons. However, several inquiries by disabled people have been made to this Committee for hiking trail use by ATV, where feasible, and one of these people apparently persuaded the WMNF to allow that use by him on their gated roads. They gave him a key to the gates.

First, I believe consensus of this Committee will be that we should not and cannot prohibit trails on all State lands. While much of state lands may not be suitable for ATV trails, with proper evaluation, additional trails surely can be developed. Second, we need better coordination of planning and enforcement efforts by state agencies along with more resources. Third, trails should be developed through strong volunteer club participation as a "model" for ATV and trailbike trails.

At "Nash Stream" a strong ATV club is apparently available with whom to work, the property has 39,000 acres of State-owned land on which to create and manage a trail, and we have a desperate need for new business in the North Country. Why can't ATV and trail bikers attracted to the area become one of those new business opportunities... not limited to one season? Realize the North Country is now actively courting a Federal prison, has a State prison, and will ask the legislature for the right to have a gambling casino! In that context, isn't a well organized ATV and trailbike trail system to attract tourist dollars and jobs a better idea? Properly thought through, isn't it likely that North Country people and their local governments, in combination with the State, can turn the growing craze for recreational driving of ATV and trail bikes into sound jobs for some of the people being unceremoniously driven from jobs in the forest products industry in the face of a slowing market and world-wide competition in the industry?

This committee is ready to assist by making legislative recommendations to enhance recreational ATV and trail bikes including new and better enforcement, enhanced control of trail operations, municipal ties through communication and resources applied at the local level where appropriate, and strengthening of state activities through better coordination and additional resources gained primarily through user fees and registration requirements.

I urge those responsible for management and development of the State-owned "Nash Stream" property to re-align the management plan to include recreational ATV trails, establish a relationship with the North Country ATV club that is so frustrated by the inaction to-date; and, together construct a trails plan that will be implemented soon while addressing all the issues such as trail development, maintenance, operation, emergency needs, hours of operation, and assuring that abutting towns are financially made whole for their part in the plans.

Thank you. I look forward to the results of your deliberations.

(Laptop/Nash Stream Testimony)



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of FORESTS and LANDS

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GEORGE M. BALD
Commissioner

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October 29, 2001

John Alger, Chair
ATV Study Committee

Rumney, NH 03266-3037

Dear Representative Alger,

At your request, I have prepared some thoughts regarding ATV use for your consideration. While these ideas are certain to need further exploration (and may even turn out to even be invalid), I hope they will assist the work of your committee in some way.

Background

There are several primary areas of concern regarding ATV use that I expressed when I spoke before you and the committee. These are as follows (keeping in mind this list is not complete):

- o Environmental impacts (land, water, wetlands, wildlife, rare plants, etc.)
- o Resources available for maintenance of trails and associated improvements (parking lots, etc.)
- o Adequate and deterrent law enforcement
- o Conflicts between outdoor users

In addition, I expressed a concern that increasing unauthorized ATV use could discourage private landowners from allowing all public access to private lands. These concerns are not meant to be a criticism of current ATV users or levels of law enforcement, only that these issues must be adequately addressed as we determine the most appropriate ways meet the demand for ATV use. It is unfortunate that we have to design policies around the lowest common denominator.

Some Questions

Landowners: What does it take to get private landowners to embrace this use – what do they get out of it? Is there any income potential for landowners? Do the liability issues preclude “for pay” use on private lands? (FYI: approximately 95% of the snowmobile trails are on private lands).

Trail Systems and Compatibility: What uses are compatible with ATV’s or should dedicated trail systems be established? What is the “shadow effect” of ATV use (such as the impact on a quiet walk in the woods. How compatible are ATV’s with traffic on gravel woods roads? What type of trail is will satisfy the user’s experience desires?

Forest Protection (603) 271-2217
Forest Management (603) 271-3456



Land Management (603) 271-3456
Community Forestry (603) 271-3457

Natural Heritage Inventory (603) 271-3623

TDD ACCESS: RELAY NH 1-800-735-2964 recycled paper

State Land Use: Do we need to go through a formal zoning process for state lands (such as through rules) that would designate areas suitable for ATV use along with natural areas, passive recreation areas, etc.? When a trail system is established, are provisions for trail expansion understood up front (trail layout is critical to the success of this use)? Are requests for connecting trails across state lands handled differently than a self-contained trail system? What amount of public involvement regarding ATV use on state lands is appropriate at different stages in the decision making process?

Law enforcement: Do we need to establish law enforcement personnel dedicated solely to ATV/OHRV use monitoring and law enforcement? Do the current laws serve as an adequate deterrent? Should mandatory education be required (minor uses in particular)? Should points be added to driver's licenses for certain violations? Are there any circumstances when it is appropriate to confiscate a machine? Could "trail wardens" be used in education, enforcement and assisting the public - similar to ski patrols or golf course wardens (see RSA 227-J:3 special Deputy Forest Rangers)?

Accommodating ATV Use

I would like to suggest a couple of specific ways to allow ATV use that address at least some of the concerns. If the viability of these programs is established, I would suggest reviewing the questions above again to ensure the issues are fully addressed.

Any income derived from these programs could accrue to the state to run the program or to a private landowner who allowed the use. The basic concept is to create a user program that pretty much takes care of itself and addresses the issues above.

The general approach I am using is to consider this ATV's as a more intensive form of recreational use (such as ski areas and golf course) rather than passive use (such as hiking, hunting, snowshoeing, etc.) and then look to the more intensive uses for ideas. Formal law enforcement will still be required for both of these programs, however, I would suggest that the amount of formal law enforcement would be substantially less.

Property Permit

An ATV permit (most likely seasonal rather than daily) would be issued for a particular property. The landowner would maintain the trail. Income from the sale of permits would accrue directly back to that property for maintenance, signage, monitoring, education and enforcement. Permits could be issued anywhere - dealers, web site, rest areas, local stores, etc.

A "trail warden" could be hired full or part time depending upon the level of income and use. Violations would result in the pulling of a user's permit for that property and even others within the system.

ATV Club License

An ATV club is licensed to use a particular trail system. The club should be covered under the state liability policy. They are responsible for maintenance, signage, monitoring, education and enforcement in some degree. ATV users would have to join a club in order to use the system

The club could be created around one, multiple or statewide properties (this needs to be explored further.) If there were multiple clubs using the trail system, one club would have to be held accountable. A statewide club could also be explored although accountability and monopoly become greater issues.

The license would be for a limited term (1-5 years), and could be terminated for non-compliance with the terms of the agreements. The license should be put out for bid both initially and at the end of the term.

Thank you for soliciting my thoughts on this issue. Do not hesitate to let me know if I can assist further.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Philip A. Bryce', with a large, sweeping flourish extending to the right.

Philip A. Bryce
Director

cc: Commissioner George Bald
Richard McLeod

PAB/cjc

From: Philip Bryce
To: Bald, George
Date: 11/5/01 10:22AM
Subject: ATV Study Committee Work & Nash Stream: Path Forward URGENT

Commissioner,

I would like to propose that we, on behalf of the legislative study committee, use Nash Stream as a **study site** to evaluate the issues associated with ATV use on public lands. This is a good time in the work of the study committee as they have a more full understanding of these issues than when they started this work and the timing also works well with the request to move forward with ATV use specifically at Nash Stream.

This project would run parallel with the Nash Stream planning process. It is not a go-ahead for ATV use on this property, but it should help us understand how ATV use interacts with existing uses of Nash Stream as we work on the plan. If the planning process was to determine that ATVs should not be permitted at Nash Stream, then what we learned could be applied to statewide policies and/or other properties.

The path forward is as follows:

1. **DRED Commissioner approval** to move forward. The evaluation at Nash Stream is not to contradict your commitment to wait until the study committee finishes its work, but is to assist the study committee by providing a property to evaluate how ATV use might work. This said, specifics such as trail location would need to be known.
2. **Legislative study committee approval** to move forward (John Alger). Get the committee's approval, suggestions and questions for the pilot project.
3. **Nash Stream Advisory committee approval** (and chair Dave Tellman), suggestions and questions for the pilot project. (I do not think this would be a problem since they voted to put Ted Burns on the committee)
4. **Establish an ATV subcommittee** of the Nash Stream Advisory Committee. Persons outside the committee and DRED staff would be appointed to the subcommittee to assist in its work (i.e. Ted Burns). The remaining members would be determined in consultation with the Nash Stream Advisory committee. I would suggest Fred King to serve as chair of that subcommittee.

In the meantime, I would like to set up a meeting with Ted Burns and go for an ATV ride.

Please let me know your thoughts and if I may proceed accordingly. **The Nash Stream Advisory Committee is meeting at 3:30 pm this Thursday** in Lanchester and I would like to conclude setting this all up then.

Phil

Philip Bryce, Director
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CC: Corriveau, Linda

STATE OF NEW HAMPSHIRE
Inter-Department Communication

DATE: March 12, 2002

FROM: Philip A. Bryce, Director **AT (OFFICE):** Forests & Lands
TO: George Bald, Commissioner
RE: Nash Stream Management Plan

The Nash Stream Advisory Committee voted in favor of the following revisions to the Nash Stream Management Plan at its meeting on February 13, 2002:

1. Designation of a pilot ATV trail on the West Side Road and connecting trails through agreement with an established ATV club for a period of 3 to 5 years;
2. Establishing a ten year schedule for Nash Stream Management Plan revision;
3. Continuing the private recreation camp lot leases beyond fifty years subject to the terms of a new lease agreement in 2004 that includes a right of first refusal to the State for any camps that are willingly put on the open market (this does not include transfers to immediate family);
4. Dropping the public use guidelines in the Plan (which contain the reference to no ATV use) and including them in DRED rules, as appropriate; and
5. Changes in the wording of the Plan to bring it up to date and make it consistent with the revisions.

More detail is contained in the minutes and materials presented at meeting.

I fully support their recommendations. They were based upon a thorough review of the vision, management principles, and strategies in the Plan; two public hearings; written public comments; and, the work of a subcommittee on ATV use. We anticipate the charge of the ATV subcommittee to be completed in conjunction with the ATV pilot project. The work of the Nash Stream Advisory Committee was supported by an extensive compilation and well organized presentation of materials and information by Forests & Lands staff.

You approved a timeline and outline of work for Plan revision in September of 2001. We are currently ahead of that schedule. The next step is to present the results of the meeting and work of the committee and staff to the public at a hearing in April. Following this hearing, the Nash Stream Advisory Committee and Division of Forests and Lands will make a final recommendation to you. The staff and I have developed the following timeline:

**Department of Resources and Economic Development
Division of Parks and Recreation
Bureau of Trails**

INTEROFFICE MEMO

Date: March 21, 2002
From: Paul Gray, Chief Trails Bureau ~
To: Phil Bryce, Director Forests and Lands
Re: Nash Stream ATV Trail connector construction

Phil,

As per the Commissioners guidance regarding the first year's use of the Nash Stream ATV pilot trail, which shall begin on July 1, 2002, the Trails Bureau intends to start work on the trail the first week in June. Our field staff has advised us that they will need a minimum of 4 weeks, prior to the trails opening, to insure that the trail is in suitable condition for ATV use. The use of equipment on the trail for that period of time should not interfere with any base line studies that will be going on.

The anticipated trail work includes the trail reroute on the Bordeaux Trail and any drainage structure and trail stabilization where needed. The Bureau will also be on the trail gathering base line data, for future monitoring of the trail, at that time.

The Bureau, as the agency responsible for OHRV trails on public lands, is willing to act as the monitoring agency, using a monitoring plan that will be jointly developed by the Bureau and Forests and Lands.

Sincerely,

Paul Gray, Bureau Chief

Cc: Commissioner Bald
Director McLeod
Tom Miner

STATE OF NEW HAMPSHIRE
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
Division of Parks and Recreation
Bureau of Trails

INTER-OFFICE MEMO

To: Commissioner George Bald
CC: Director Rich McLeod, Director Phil Bryce
From: Chris Gamache, Program Specialist, Bureau of Trails
Date: May 17, 2002
Re: Nash Stream ATV Trail Opening Date

Commissioner,

Brad Presby and myself were up on the trails in the Nash Stream Forest yesterday, May 16th, to site some work with the local contractor. The trail conditions that we found were significantly wetter than when we were there last week. The northern connector trail, Andritz Trail, had 2" of snow on the approach to the state property line.

Because of the current trail conditions we feel that we should move the current, anticipated, use date of July 1 back to the middle of July. Paul felt this would be fine and we discussed it at the Nash Stream Citizens Advisory Committee last evening. The entire committee agreed that they would rather have the trail ready to open rather than working during marginal construction weather to complete the project by July 1.

With this in mind we are going to proceed with the smaller projects at the beginning of June and move the timetable for the trail re-routes to later in the month. If you have any questions or concerns regarding this please let me know and I can address them.

Sincerely,

Chris Gamache