



November 2, 2016

Amanda Merrill
Chair, NH Council on Resources and Development
NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301

Dear Chairman Merrill and Council members:

Thank you again for giving us the opportunity to participate in the on-going discussions at the Council on Resources & Development concerning the legal status and management of ATV trails in Nash Stream State Forest.

As a follow-up to the October 13 CORD meeting, and to several conversations with DRED Commission Jeff Rose and Division of Forests and Lands Director Brad Simpkins, we would like to restate our belief that 1) the two current ATV trails on Nash Stream State Forest were not established as required by RSA 215-A, and 2) the oversight responsibilities vested in CORD for stewardship of properties acquired by the Land Conservation Investment Program require CORD to assess whether, as a matter of public policy, the establishment of any ATV trails within Nash Stream State Forest is consistent with the original purposes for which the LCIP acquired and protected the property.

However, having listened carefully to you and other CORD members at the October meeting, we recognize that it is unlikely that CORD would vote to disestablish either of the two existing trails. We are disappointed in this outcome, but because we have significant concerns about the management of both trails, we want to offer the following recommendations for the list of "conditions" to accompany your approval of any new Nash Stream State Forest Management Plan:

- 1) No new ATV trails shall be allowed on Nash Stream State Forest beyond the West Side Trail and the Kelsey Notch Pilot Trail. Include language in the Management Plan clearly stating that the only process to add any additional trails on any LCIP land is a full update of that property's Management Plan.
- 2) In order to explain the rationale for including Kelsey Notch as a Pilot ATV Trail, language shall be included in the Management Plan which explains the 2012 process by which the Kelsey Notch Pilot Trail was established. This description shall articulate the

procedural concerns with the Kelsey Notch Pilot Trail establishment CORD has expressed, including:

- a. That a course and fine filter review was not adequately documented prior to trail establishment.
 - b. That the 2002 Management Plan did not allow any additional ATV trails on property other than the West Side Trail.
 - c. There have been insufficient MOA's between DRED and NH F&G for proper enforcement and monitoring of the trails.
- 3) The Kelsey Notch Pilot Trail will be in effect for a period of three years following the approval of the new management plan. A final decision to make the trail permanent, or to discontinue the trail, will be made at the conclusion of the pilot period by CORD, in consultation with DRED and NH F&G, following a public hearing.
 - 4) DRED and Fish and Game shall make an annual report to CORD regarding monitoring and enforcement of ATV's on the Kelsey Notch Pilot Trail.
 - 5) Both the West Side Trail and the Kelsey Notch Pilot Trail will adhere to the new Best Management Practices (BMP) which the Department of Environmental Services and DRED have established for permanent ATV trails. A written report confirming that the trails adhere to the BMP's will be submitted to CORD by December 31, 2017.
 - 6) The Fish and Game Department shall conclusively demonstrate to CORD that it has the capacity to carry out its responsibilities under a Memorandum of Understanding as called for RSA 215-A:42 I (b) which states "The fish and game department shall enter into the memorandum only if it can commit sufficient resources to reasonably monitor for proper ATV or trail bike use on the property and enforce the applicable laws."
 - 7) All other statutory requirements for the establishment of ATV trails on public lands are met, appropriately documented, and kept current (i.e. MOUs with trail clubs, etc.).

However, these conditions do not eliminate our continued belief in the illegality of the existing trails, and we reserve the right to act upon that belief as appropriate.

Thank you for your consideration, and we look forward to further discussion at the November meeting of CORD.

Sincerely,

Will Abbott
Vice President Policy
Society for the Protection
Of NH Forests

Susan Arnold
Vice president for Conservation
Appalachian Mountain Club

Jim O'Brien
Director of External Affairs
The Nature Conservancy