



September 22, 2020

Mr. Jared Chicoine, Chair
New Hampshire Council on Resources and Development
c/o New Hampshire Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall, 3rd Floor
Concord, NH 03301

Dear Mr. Chicoine and members of CORD:

Attached please find a legal memo addressing ATV use in Nash Stream State Forest. As you consider the status of the pilot of Kelsey Notch Trail, we believe your deliberations should be informed by this analysis.

The attached memo summarizes a review of the Nash Stream State Forest easement, and of the distinctions made in New Hampshire statutes governing ATVs/OHRVs and snowmobiles. In short, this review clarifies that a previous legal opinion which equates ATV use/trails with snowmobile use/trails was mistaken and not supported by New Hampshire law or the terms of the Nash Stream State Forest easement.

While CORD's immediate focus is the future of the Kelsey Notch trail pilot, we believe this legal perspective on the incompatibility of any ATV use on Nash Stream State Forest under the easement and New Hampshire law is critically important to your deliberations as it illuminates the potential legal peril created by any continued ATV use on the Forest.

Thank for the opportunity to share this information with you.

Sincerely,

Susan Arnold, VP for Conservation
Appalachian Mountain Club

Matt Leahy, Public Policy Manager
Society for the Protection of NH Forests