

# ***INTEROFFICE MEMORANDUM***

**To:** Brad Simpkins, Interim Director, Division of Forests & Lands  
**CC:** Phil Bryce, Acting Commissioner  
Bill Carpenter, Administrator, Land Management Bureau  
**From:** Chris Gamache, Chief  
**Date:** March 25, 2013  
**Subject:** Kelsey Notch Connector trail approval, Nash Stream Forest

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Brad,

I would like to request your approval of the Kelsey Notch Connection within the Nash Stream Forest for summer OHRV use.

The trails have been walked and 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

The proposal has been reviewed, and approved, by the Nash Stream Citizens Advisory Committee, DRED Land Management Team (DLMT), State Lands Management Team (SLMT), Cooperative Lands Administrators Committee (CLAC) and the Council on Resource Development (CORD). CORD's formal vote to approve the route will occur on April 11<sup>th</sup>; however they have indicated their approval at last weeks meeting. CORD, at that meeting, determined that they were the approval body for LCIP funded properties and as such they should make a vote on certain land management decisions on DRED lands.

Minutes of the SLMT, DLMT, CORD, CLAC and Nash Stream Citizens Committee can be provided if desired.

The proposal would allow for linkages between existing OHRV trails in Coos County; specifically from Millsfield to Colebrook and Millsfield to Stratford. The Kelsey Notch Connection utilizing existing roads and trails from the eastern property line to the northwester property line and from the southerly intersection of this trail west 500' to Kelsey Notch Road, a Town of Columbia Class VI highway. The 500' to Kelsey Notch Road would be used only if the

Town of Columbia approved OHRV use on the road. This section of road is within Nash Stream Forest and is the direct access needed for forest management and recreation on the northern part of the property. Forest Management staff prefer to have only the Kelsey Notch Connector or Kelsey Notch Road open for use, however the section or existing gravel road on DRED land is approximately 500' and this road would be necessary, as presented in this project review, for the loop trail into Columbia and Stratfrod (and eventually back toward Jericho).

Attached are SLMT comment forms received from other agencies after the SLMT presentation on January 8, 2013. The Natural Heritage Bureau and Division of Historic Resources and Parks concurred with the proposal. Forest Management opposed any OHRV use but supported this connection within the Nash Stream Forest; but does not support any other trails until the Management Plan was amended. Fish & Game agrees with the proposed trail location. They noted some rare species in the vicinity but none documented in the project area. Fish & Game raised other general concern of OHRVs, however all specific concerns for this proposal were met and the trail location was moved to address F&G concerns during a site-walk.

The local OHRV club, Metallak ATV Club, has fulfilled all requests made of them for this proposal and its review. We would like to have this trail available for the 2013 riding season and the planned June 15<sup>th</sup> ribbon cutting of the Coos Loop Trail System. I would respectfully request that the Division of Forests & Lands, or DRED as a whole, make the public aware that no other proposals would be accepted until the Management Plan was readdressed, if that is the decision being made. The volunteer clubs and local communities need to know the process and expectations as soon as possible.

The proposal is located on the attached Sheet #3-Sketch Map, Proposed Kelsey Notch Connection and Sheet 1 (map of entire parcel with trail location).

**From The Desk of**  
Christopher Gamache, Chief  
NH Bureau of Trails  
Division of Parks and Recreation  
172 Pembroke RD., P.O. Box 1856  
Concord NH 03302-1856

603-271-3254  
FAX: 603-271-3553

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MOUNTAIN

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

**State Lands Management Team - Request for Review**

Date: December 26, 2012

Comments- If your agency does not attend the State Lands Management Team meeting we will need this form mailed back to us by the deadline date.

SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT 13-01-03  
**Project:** Stark OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting:     Natural Heritage    

Please check one:

Concur with no conditions.

Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)

Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)

No Comment

**Non-Receipt of this review by the deadline implies consent.**

Technical Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer's Signature: 

Date: 1/17/13

Name: Peter Bowman

Title: Ecologist

COPY FOR YOUR INFORMATION

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

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SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT #13-01-04  
**Project:** Columbia OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting:     Natural Heritage    

Please check one:

Concur with no conditions.

Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)

Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)

No Comment

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Technical Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer's Signature:     Peter Bowman    

Date:     1/17/13    

Name:     Peter Bowman    

Title:     Ecologist

COPY FOR YOUR INFORMATION

RECEIVED

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D.R.E.D.

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

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**State Lands Management Team - Request for Review**

Date: December 26, 2012

Comments- If your agency does not attend the State Lands Management Team meeting we will need this form mailed back to us by the deadline date.

SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT #13-01-04  
**Project:** Columbia OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting: NH DHR

Please check one:

- Concur with no conditions.
- Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)
- Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)
- No Comment

**Non-Receipt of this review by the deadline implies consent.**

Technical Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer's Signature: Edna Feighner  
Name: Edna Feighner

Date: 1/11/13  
Title: ROC

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

**State Lands Management Team - Request for Review**

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SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT #13-01-04  
**Project:** Columbia OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting: Parks + Rec

Please check one:

- Concur with no conditions.
- Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)
- Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)
- No Comment

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Technical Comments:

Nash Stream plan amendment adopted. I prefer using the new snowmachine trail to take advantage of multiple use philosophy and multiple funding streams.

Reviewer's Signature: Johanna Lyons  
Name: Johanna Lyons

Date: 1/8/13  
Title: Planner

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

**State Lands Management Team - Request for Review**

Date: 1/24/2013

Comments- If your agency does not attend the State Lands Management Team meeting we will need this form mailed back to us by the deadline date.

SLMT meeting date: 1/8/12  
Deadline to comment: 1/24/13

**Item #:** SLMT 13-01-03 and 13-01-04  
**Project:** Stark & Columbia OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting: NH Division of Forests and Lands

Please check one:

Concur with no conditions.

#13-01-04 Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)

#13-01-03 Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)

No Comment

**Non-Receipt of this review by the deadline implies consent.**

Technical Comments: See below comments

Brad -

I am forwarding to you the Forest Management Bureau's review of the proposal to allow ATV's to use the southern portion of Nash Stream Road (Stark). Maggie and I have read the Nash Stream Plan as well as the Updates and Revision document and we both feel that the plan is quite clear that ATVs are not a low impact and traditional use of the property. In fact the writers of the plan felt that ATV use was so contrary to the intended uses of Nash Stream that they specifically added language prohibiting ATV use within the property. In the 2002 Update and

Revisions document ATVs were allowed on the fringe of the property but the document specifically says "No other roads or trails are open to ATVs on the property". We have now been requested to approve 2 additional ATV sites on the property. The Forest Management Bureau is willing to concur on the Columbia site as the sole and final addition of ATVs on the property. This compromise is NOT something that the bureau is enthusiastic about but we are willing to go along with the proposal because of the unique nature that the Columbia access provides. Careful consideration should be given to requests to change the management plan. Seven years of very hard work was put into the plan's development and the vision for the property was thoroughly developed. Deviations from this very detailed planning process could easily change the direction of the property from the vision established; as stated on page 61 "the Vision includes Principles and Goals of Management which together provide timeless management focus plus a glimpse at what is hoped to be achieved through implementation of this Plan and those that follow". Let's not say "we will follow the plan...unless someone suddenly wants to do something different". Let's not allow the Management Vision to perish from a thousand paper cuts as each small proposal develops a management contrary to the original management vision. *A national and international destination site for motor vehicle use cannot be considered "low impact".*

Finally, if the Management Vision is no longer relevant for public use in 2013, we probably should re-assemble the Technical Team and bolster the Advisory Committee to full strength and give the Management Vision the re-consideration and public input it is due.

Thanks for your consideration,  
Ken

Reviewer's Signature: \_\_\_\_\_ Date: 1/24/2013

Name: Kenneth Desmarais

Title: Forest Management Bureau Administrator



State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

**State Lands Management Team - Request for Review**

Date: December 26, 2012

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SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT #13-01-04  
**Project:** Columbia OHRV Connector Trail  
**Property:** Nash Stream Forest  
**Project Presenter:** Chris Gamache

Agency Commenting: NH- Division of Forests and Lands

Please check one:

- Concur with no conditions.
- Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)
- Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)
- No Comment

**Non-Receipt of this review by the deadline implies consent.**

Technical Comments: This trail location has been reviewed by Forests and Lands as well as Fish and Game and DES. The trail was re-located from the original proposed location to better accommodate ATVs due to wet soils. There are two locations that are being presented; either the newly built trail or the existing gravel road, known as Kelsey Notch Road. Forests and Lands would like to see that only one of these trail locations be utilized. The location using the main road may have some neighbor issues. There is an outlot within Nash Stream and currently the landowner is less than receptive to public traffic. Either location is acceptable but one may

need some negotiating with the neighbor as well as the town. Adding more ATV trail within Nash Stream will require a revision of the management plan. Currently the language describes the West Side Trail and clearly states that "No other Roads or Trails are open to ATVs on the property." This new trail would have to be added as another designated trail.

Reviewer's Signature: Margaret Machinist

Date: 1/22/13

Name: Margaret Machinist

Title: Regional Forester

State of New Hampshire  
Department of Resources and Economic Development  
Division of Forests and Lands

**State Lands Management Team - Request for Review**

Date: December 26, 2012

Comments- If your agency does not attend the State Lands Management Team meeting we will need this form mailed back to us by the deadline date.

SLMT meeting date: 1-8-13  
Deadline to comment: 1-24-13

**Item #:** SLMT 13-01-03 & 13-01-04

**Project:** Stark OHRV Connector Trail (13-01-03) & Columbia OHRV Connector Trail (13-01-04)

**Property:** Nash Stream Forest

**Project Presenter:** Chris Gamache

Agency Commenting: NH Fish & Game Department including Wildlife, Fisheries, and Law Enforcement Divisions

Please check one:

Concur with no conditions.

Concur with the following conditions: (Indicate major reservations about the project and the specific substantive changes or modifications desired.)

Do Not Concur (Summarize the major legitimate reasons for not concurring including documentation or references to plans, statutes, etc.)

No Comment

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Technical Comments:

**Fish & Wildlife Concerns**

Wildlife Division staff walked the proposed Columbia OHRV connector trail several times and agrees that the proposed location is the logical place to put the trail. It minimizes wetlands impacts and tree removal. However, the proposed trail will cross over streams in some locations.

There are several rare species in the vicinity that use streams and wetlands (e.g., wood turtle, Northern red belly dace) but none documented in the project area. Using existing snowmobile trails and access roads greatly reduces potential impacts to these and other wetland species, but winter use may not impact wetland habitats and associated fish and wildlife the same way as summer use (i.e., reptiles and amphibians not active during winter). Intensity of use is hard to predict but an important factor in determining habitat and wildlife impacts. Intense use of snowmobile trails by ATVs can cause significant trail erosion (as expressed by some foresters at SLMT who have had previous experience) which could lead to wetland sedimentation and damage to stream crossings that would render them impassable to fish and wildlife.

The Nash Stream Restoration Project, whose partners are DRED Division of Forests and Lands, NH Fish and Game Department and Trout Unlimited, has secured more than one million dollars to restore Nash Stream and its tributaries for the benefit of wild brook trout and anglers. This is the largest stream restoration project in the northeast and has received national attention. One aspect of this project is to restore connectivity of fish populations, and the focus of this is at road-stream crossings. To date, the project has restored connectivity at eight stream crossings (one of which is on the West Side Road where ATVs are currently allowed), and connectivity at several more crossings are planned to be done by 2016, including several on the Columbia Brook Road. Given the importance of the restoration project, both at the state and national level, it is imperative that connectivity of fish populations not be negatively impacted in the Nash Stream State Forest or watershed.

Stream connectivity is not only a concern within the Nash Stream State Forest, but also the entire proposed North Country ATV trail system. Yet, there didn't seem to be a clear plan for maintaining the Nash Stream SF or other proposed ATV trails. Also, summer use could have a negative impact on breeding birds, although admittedly there is no known research that can provide insight on this currently.

Potential wetland impacts including stream connectivity is of less concern with the proposed Stark OHRV Connector Trail because it would use a portion of Nash Stream Road, an existing gravel road that is open to vehicles. However, the Fish & Game Department questions the need

for ATVs to use Nash Stream Road. There appears to be another potential route for the Stark connector trail that would preclude the need to expand ATV use to the east side of Nash Stream. The alternative route would use existing trails on private land on the west side of Nash Stream. These trails are owned by the same person that owns the gas pumps that the proposed Stark connector trail would lead ATV riders to. This was brought up at SLMT and it was stated that the landowner does not want ATVs on his property, although it was not clear why. A concern about ATVs using an old gravel pit along the alternative route was mentioned, but that pit has been reclaimed. Additionally, the gas pumps are located in a large active gravel pit owned by the same person, so it's still unclear why using the alternative route is an issue.

### **Law Enforcement Concerns**

The continued expansion of North Country ATV trail riding opportunities has increased the demand on law enforcement substantially. ATV registration sales continue to trend downward despite the increased riding opportunities. This demands that the NHFG Law Enforcement Division stretch existing funds and manpower thinner and thinner. Additional enforcement efforts on the Nash Stream SF or other new trails in the North Country will be marginal at best. There doesn't seem to be a clear plan for meeting law enforcement needs on the expanded Nash Stream SF ATV trail system or other proposed North Country ATV trails.

### **Moving Forward at Nash Stream SF**

Nash Stream SF was protected through substantial efforts of multiple agencies and organizations with interests in the property's timber, wildlife, ecological, and recreational values. This was followed by another substantial effort of these same entities to develop a management plan that strived to balance these and other values. ATVs were not a part of the original management plan. Their use on Nash Stream was added to the plan in 2002 only after going through an amendment process. Based on this precedence and due to the concerns expressed here and by others at SLMT, the NH Fish & Game Department will concur with the proposed trail expansions at Nash Stream SF only under the condition that the planned expansions go through an amendment process that effectively gains input from a broad array of Nash Stream stakeholders. The plan amendment should adequately address potential impacts to fish, wildlife, and their habitats, especially wetland and stream connectivity issues, an assessment of law

enforcement and trail maintenance needs and how those needs will be met, and an assessment of alternative routes. Not following an amendment process that provides opportunity for all stakeholders to voice their opinions will likely lead to intense criticism by individuals and groups who are interested in the State Forest's other uses for which the property was originally acquired.

### **North Country ATV Plan**

Additionally, due to the potential cumulative impacts to fish and wildlife from an expanded North Country ATV system, and the need for increased law enforcement to regulate use of that system, the NH Fish & Game Department requests that the NH Trails Bureau develop a North Country ATV plan that includes maps that clearly indicate the location of proposed trails, their proximity to state and other conserved lands (including easement lands), and locations of stream crossings. Plan text should also discuss potential impacts to fish, wildlife, and their habitats and how those impacts will be mitigated, an assessment of law enforcement and trail maintenance needs and how those needs will be met, and an assessment of potential impacts to other types of outdoor recreation including hunting, fishing, and wildlife watching that also contribute significant dollars to local and state economies.

This plan should be completed prior to moving forward with additional North Country trail expansions. Not doing so will surely lead to negative unintended consequences, some of which may be irreversible. Others of which will take substantially more time and effort to address compared to dealing with them up front.

Reviewer's Signature:  Date: 1/28/13  
Name: Jim Oehler Title: State Lands Habitat Biologist