

**Department of Resources and Economic Development**  
**RSA 215-A:42, A:43**  
**ATV and Trail Bike Operation on State Land**  
**Coarse and Fine Filter Worksheet**

Project Name: Kelsey Notch ATV/UTV Trail

**Coarse Filter Criteria (RSA 215-A:43I(a-f))**

Deed Restrictions	Comments
<p>Are there any deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs on the property?  <b>RSA 215A:43I(a)</b></p>	<p>Nash Stream Forest was acquired through the Land Conservation Investment Program and is therefore subject to oversight by the Council on Resources and Development (CORD) under RSA 162-C:6.</p> <p>The Council met on 12/8/2016 and issued detailed findings regarding ATV/UTV use in Nash Stream (<b>Appendix A</b>)</p> <p>There is a conservation easement held by the US Forest Service. An interpretation of the conservation easement deed was made in 2001 by the USFS regarding use of ATV's on the property (<b>Appendix B</b>)</p>

Environmental	Comments
<p>A property is not suited for ATV use if 90% or more of the entire property consists of any of the following:  <b>RSA 215A:43I(b)</b></p>	
<p>Has the New Hampshire Natural Heritage program identified the area as an “exemplary natural community?” <b>RSA 215A:43I(b)(1)</b></p>	<p>Based upon NHB reviews there are no documented exemplary natural communities near the trail location. Reviews done for State Lands Management Team (SLMT) #13-01-04 (<b>Appendix C</b>); in July 1, 2015 (NHB ID #15-2129) (<b>Appendix D</b>); and November 4, 2015 Nash Stream Field Tour Notes (<b>Appendix E</b>)</p>
<p>Is it significant habitat for a federally or state listed endangered or threatened species? (Significant habitat = habitat necessary for successful breeding or survival at a given time of the year). <b>RSA 215A:43I(b)(2)</b></p>	<p>Based upon the work of F&amp;G Wildlife Biologist (Jill Kilborn) and researchers (Alexej Siren), it is known that American marten are found throughout this area.</p> <p>The area is considered high quality marten habitat. However, it is the opinion of F&amp;G Biologist Will Staats, that this one trail currently would not adversely impact the overall marten population in the greater landscape.</p> <p>No Northern Long Ear Bat (NLEB) hibernaculum known within a half mile (see NHB review <b>Appendix D</b>).</p>

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Is it a forested wetland consisting of Group IIB Forest Soils as defined and mapped by NRCS, or is it a non-forested wetland as defined by DES, USFWS and others? RSA 215A:43I(b)(3)	The trail location is not located within wetlands, or sensitive soil types. The trail minimizes new disturbance to the area by utilizing an existing gravel road and a snowmobile trail built the season before the introduction of ATVs.
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Property Size and Configuration	Comments
If being considered for a trail network, is it a single state ownership of 700 acres or more, or a combination of abutting state ownerships totally 700 acres or more?	Overall property is greater than 40,000 acres and this trail is a pass through route and not intended to be a self-contained trail network
If being considered for a trail corridor link; are the trails which are being connected existing or in the planning phase?	Trails on all sides of the property are in existence with abutting landowner permissions, pursuant to RSA 215-A:29.

Purpose of Acquisition/ Existing Management Plan	Comments
<p>A) If no plan exists:</p> <p>If there is no conflict with criteria 1, 2 &amp; 3 <b>[RSA 215-A:43 I (e)-(f)]</b> and no conflict with the purpose of acquisition (POA) then the proposal passes the coarse filter (CF).</p> <p>If there is a conflict with the documented POA, then the proposal does not pass CF. Proposal would not move forward through the fine filter (FF) unless POA is revised through due process** or mgmt. plan is written and ATVs are allowed.</p> <p>*Valid documentation would include letters from the grantors stating the purposes for granting the gift of land, department memos specifying the POA, historic records.</p> <p>** Due process = formal review and decision made by the administrator responsible for the land.</p>	<p>The current Nash Stream Management Plan was revised in 2002 lifting the prohibition of recreational of ATV's. As a result of this plan revision, a 3-5 year ATV pilot trail for riders to use the 5 mile long West Side road and connector trails to private property to the west was established.</p> <p>In 2013, DRED's Commissioner Bald of DRED allowed for the Kelsey Notch ATV trail as an additional pilot trail at Nash Stream.</p> <p>ATV use not addressed in POA documents. The USFS and CORD have helped clarify this issue.</p>

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<b>Purpose of Acquisition/ Existing Management Plan</b>	<b>Comments</b>
<p>B) If plan exists but ATV use is not addressed:</p> <p>If there is no conflict with criteria 1, 2 &amp; 3 and no conflict with the POA, the proposal moves forward through a revised FF process leading toward plan amendment. This process would include revisiting the plan with the individuals and organizations that helped to create the original plan. The decision to amend a plan is made at the agency administrative level.</p>	<p>2002 reviews through US Attorney Office for USFS notes no deed or easement restrictions for ATV trails.</p>
<p>C) If plan exists and ATV use is allowed:</p> <p>If there is no conflict with criteria 1, 2 &amp; 3 and no conflict with the POA, then the proposal passes the coarse filter (CF).</p>	<p>ATV use is addressed in current plan, however it does not currently include allowing ATVs on the Kelsey Notch Trail specifically. DRED is in the process of updating the plan and has been working with CORD and the Nash Stream Citizen's Advisory Committee in this regard.</p>
<p>D) If plan exists and ATV use is not allowed:</p> <p>The proposal does not pass CF until the property goes through a plan revision process, which includes public input. Plan revision process is different than the project proposal fine filter process. The decision to enter into plan revision is made at the agency administrative level.</p>	<p>There is a management plan for the property which allows limited trail riding on the West Side of Nash Stream. The Kelsey Notch Trail was started as a pilot project by DRED Commissioner Bald after a review by CORD in 2013. DRED continues to work with CORD and the Nash Stream Citizen's Committee in this regard.</p>

**Fine Filter Criteria (RSA 215-A:43 II (a)-(v))**

<b>Compatibility, Local Ordinances/Deed Restrictions</b>	<b>Comments</b>
<p>The trail is supported by an organized trail club.</p>	<p>There is an MOA with F&amp;G (<b>Appendix F</b>) and an MOA with the Metallak ATV Club that is renewed every 3 years (<b>Appendix G</b>).</p>
<p>The proposal is designed to ensure that ATVs on the trail will comply with the maximum decibel limit established by law.</p>	<p>NH RSA 215-A:12 sets requirements for vehicle decibel limits. All vehicles legally operating on the trail must comply with this section. Nash stream ATV trail Baseline Noise Testing Results July 3, 2002 (<b>Appendix H</b>).</p>

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<b>Compatibility, Local Ordinances/Deed Restrictions</b>	<b>Comments</b>
Adequate parking exists or will be developed (“adequate” matches # of expected riders, may be a design criteria.)	There are no direct parking areas specific to this trail segment. Sufficient parking exists off of the property, further east in Millsfield, Southwest in N Stratford and North in Colebrook.
The proposal is compatible with local planning and zoning ordinances.	Town of Columbia has limited planning and zoning ordinances; most are specific to dwellings, wind turbines and similar topics. No ordinances exist relative to trails or recreational facilities or noise.
The proposed trail does not pass through a parcel with deed restrictions.	The USFS and CORD have helped clarify this issue ( <b>Appendix B</b> ).
The proposal is compatible with noise and obnoxious use ordinances.	There are no local or state noise ordinances that would apply to this trail. NH RSA 215-A:12, RSA 259:66, RSA 266:59-a and RSA 270:25 establishes noise limits for vehicles.
The proposal is reasonably compatible with existing uses. <b>RSA 215-A43II(g)</b>	The primary use of this trail is for snowmobile traffic in the winter which is outside of the ATV season. Additional summer use on this trail is limited. Conflict during hunting season is anticipated to be limited as ATV use decreases after Labor Day.

<b>Environment/Habitat</b>	<b>Comments</b>
Trail would not violate federal, state, or local laws.	Trail reviews were done to ensure compliance. No law violations known.
The trail proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts.	Trail is reviewed annually by Trails staff and Regional Forester, for erosion issues and maintenance plan development per standards set in the MOA with F&G ( <b>Appendix F</b> ).  After on-site review by Tech Team in spring 2016 additional culverts were installed in the forest road and ditch lines improved to address erosion issues. MOA with the Metallak ATV club ( <b>Appendix G</b> ) and the MOA with F&G ( <b>Appendix F</b> ).
Trail layout incorporates existing motorized travel corridors whenever possible, excluding Class I through Class V highways.	The trail is located on an existing gravel road as well as a snowmobile trail that was built the season before ATV’s started utilizing the trail.

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Environment/Habitat	Comments
Trail tries to avoid further fragmenting blocks of forestland by locating trails on areas with existing development whenever possible.	The trail utilizes an existing gravel road and a newly constructed snowmobile trail. At the time of review due to the presence of the preexisting road and snowmobile trail, it was determined that the trail as proposed would not be a significant fragmenting feature. However, it is the opinion of Fish and Game wildlife biologist Will Staats that should traffic become heavier on the trail in the future, it might preclude some animals from crossing or denning near the trail and could potentially cause avoidance by some wildlife species in the area. The condition before the trail opened was a locked gate with little to no traffic.
Trail does not pass through the “Sanitary Protective Area” (Env-Ws 378.06) of a community groundwater supply.	There are no public wells or sanitary protective areas within jurisdiction of this trail
Trails are not located on earthen dams, dikes, and spillways.	No dams, dikes or spillways used.
Trail avoids areas which contain soil that have been classed Important Forest Soil Group IIA and IIB unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.	To minimize impacts to undisturbed forest soils, the ATV trail was located on an existing gravel road as well as a snowmobile trail that was built the season prior. ATV Analysis map ( <b>Appendix I</b> )
New trail would not be constructed within 100’ of the ordinary high water mark of 1st and 2nd order streams, 330’ of 3rd order streams and 660’ of 4th order and higher streams, unless surface roads can be used. Stream crossing exemption.	To minimize impacts to undisturbed forest soils, the ATV trail was located on existing roadways as well as a snowmobile trail that was built the season prior. ATV Analysis map ( <b>Appendix I</b> )
All stream-crossing structures meet 5-year flood design criteria.	Stream crossings built to DES permit specifications and Best Management Practices (BMP).
Trail avoids construction within 200 feet of any water body, forested or non-forested wetland, or vernal pool. Existing roads or surface condition may be used if within buffer	To minimize impacts to undisturbed forest soils, the ATV trail was located on an existing gravel road as well as a snowmobile trail that was built the season prior. ATV Analysis map ( <b>Appendix I</b> )
Trail avoids elevations over 2700 feet.	Trail does not travel above 2700 feet in elevation, per GIS analysis. ATV Analysis map ( <b>Appendix I</b> )
Trail avoids important wildlife habitat features for species of concern, per F&G review	The trail passes through an area that is considered high quality American marten habitat. However, it is the opinion of F&G Biologist Will Staats, that this one trail currently would not adversely impact the overall marten population in the greater landscape.

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Environment/Habitat	Comments
Trail avoids known locations of Federally or State listed endangered or threatened species, or their habitat; per the site-specific direction of the NH Fish & Game Department.	The trail passes through an area that is considered high quality American marten habitat. However, it is the opinion of F&G Biologist Will Staats, that this one trail currently would not adversely impact the overall marten population in the greater landscape.  No known Northern Long Eared bat (NLEB) hibernaculum in the area. See NHB review ( <b>Appendix D</b> ).
Trail avoids known locations of rare plants and exemplary natural communities per the site-specific direction of the Natural Heritage Bureau.	The trail minimizes new disturbance to the area by utilizing an existing gravel road and a snowmobile trail built the season before the introduction of ATVs. An extensive inventory has not been completed; however there are no known locations of rare plants, per NHB reviews--NHB ID 15-2129 dated July 1, 2015 ( <b>Appendix D</b> ) and NHB ID 16-2712 dated Sept. 1, 2016 ( <b>Appendix J</b> ). Nothing noted on November 4, 2015 Nash Stream Field Tour Notes ( <b>Appendix E</b> .)
Trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides (or per site-specific recommendations of state geologist).	There are no known geologic features in the area. The trail minimizes new disturbance to the area by utilizing an existing gravel road and a snowmobile trail built the season before the introduction of ATVs.
Trail avoids alteration, disturbance and adverse impacts to cultural and historic resources.	There are no known historic resources in the area. The trail minimizes new disturbance to the area by utilizing an existing gravel road and a snowmobile trail built the season before the introduction of ATVs.
The trail will not be constructed within 330 feet of known raptor nest tress, or pass within 650 feet of trees with eagle or osprey nests.	There are no known raptor, eagle or osprey nests within the vicinity. NHB review ( <b>Appendix D</b> ). Nothing noted on November 4, 2015 Nash Stream Field Tour Notes ( <b>Appendix E</b> .)
The trail is more than 650 feet from eagle winter roosting areas.	There are no known eagle winter roosting areas in vicinity. NHB review ( <b>Appendix D</b> ). Nothing noted on November 4, 2015 Nash Stream Field Tour Notes ( <b>Appendix E</b> .)
The trail is more than 330 feet from the edge of wetlands containing heron rookeries.	There are no known heron rookeries.

Safety (RSA 215-A:43, II, (z)-(cc))	Comments
The ATV trail can be constructed in the desired area of the property so that it provides safe and appropriate trail design.	The trail utilizes an existing gravel road and a snowmobile trail built the season before the introduction of ATVs. Trails Bureau staff are

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<b>Safety (RSA 215-A:43, II, (z)-(cc))</b>	<b>Comments</b>
	professional trail builders and the new construction meets BMP manuals and trail design recommendations.
Safety standards for highway crossings can be met.	There are no highway crossings directly abutting the trail. Any highway crossings outside of the property comply with NH DOT policy guidelines.
ATV use on existing trails can be safely incorporated.	Additional summer use on this trail is limited. Uses on abutting lands are similar and compatible and no conflicts are anticipated.
New trails will be constructed to safely accommodate multiple uses.	The trail is sufficiently wide enough to accommodate ATVs passing by each other and is also wide enough for motorized and non-motorized users to pass safely by each other.
Local enforcement officers have been contacted to review and provide input regarding enforcement issues.	NH Fish & Game and DRED Forest Rangers provided input on trail location and enforcement. F&G MOA ( <b>Appendix F</b> )

**Public Meeting (RSA 215-A:43, III)**

Trail proposal was advertised and publicly presented at Nash Stream Citizens Committee on November 13, 2012. Meeting was held at North Region Headquarters Building in Lancaster at 4pm.





# New Hampshire Council on Resources and Development



## APPENDIX A

NH Office of Energy and Planning  
107 Pleasant Street, Johnson Hall  
Concord, NH 03301  
Phone: 603-271-2155  
Fax: 603-271-2615

TDD Access: Relay NH  
1-800-735-2964

December 14, 2016

Brad W. Simpkins, Director  
New Hampshire Division of Forests and Lands  
NH Department of Resources and Economic Development  
[Brad.Simpkins@dred.nh.gov](mailto:Brad.Simpkins@dred.nh.gov)

Chris Gamache, Chief  
NH Trails Bureau  
Department of Resources and Economic Development  
Division of Parks and Recreation  
[Christopher.Gamache@dred.nh.gov](mailto:Christopher.Gamache@dred.nh.gov)

Dear Director Simpkins and Chief Gamache:

On December 8, 2016 the Council on Resources and Development made several decisions regarding ATV trail use in Nash Stream Forest and whether such use is consistent with the principles set forth in RSA 162-C:6 for management of LCIP lands.

Concerns about the establishment of the two existing Nash Stream ATV trails – West Side Trail and Kelsey Notch Trail – were brought to the Council’s attention by the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests and The Nature Conservancy in a letter dated May 5, 2016.

In response, the Council adopted the enclosed Findings, which includes General Findings for any ATV use in Nash Stream Forest, as well as Findings specific to West Side Trail and to Kelsey Notch Trail.

In addition, the Division of Forest and Lands submitted a Nash Stream Forest OHRV Briefing Paper and requested guidance from the Council on three proposed ATV trail options for

inclusion in the 2016 revision of the Nash Stream Management Plan. The Council's guidance is based on consistency with the principles of RSA 162-C:6 for the management of LCIP lands.

The Council determined that both Options 1 and 2, as proposed in the Briefing Paper, are consistent with the principles set forth in RSA 162-C:6, with West Side Trail and Kelsey Notch Trail each subject to the specific conditions outlined in the Council's December 8, 2016 Findings. The Council further determined that Option 3, as proposed in the Briefing Paper, is not consistent with the management vision for Nash Stream Forest nor with the principles set forth in RSA 162-C:6.

The Council's motion regarding the proposed options for the Nash Stream Management Plan is enclosed at the end of this document.

Please be in touch with questions or concerns.

Best wishes,



Amanda A. Merrill  
Director, Office of Energy and Planning  
Chair, Council on Resources and Development

cc:    CORD Members  
      Jeffrey Rose, Commissioner, Department of Resources and Economic Development  
      Phil Bryce, Director, Division of Parks and Recreation, DRED  
      Christopher G. Aslin, Assistant Attorney General, Department of Justice  
      Susan Arnold, Vice President for Conservation, Appalachian Mountain Club  
      Matt Leahy, Public Policy Manager, Society for the Protection of New Hampshire Forests  
      Jim O'Brien, Director of External Affairs, The Nature Conservancy  
      Will Abbott, Vice President for Policy and Reservation Stewardship, Society for the  
      Protection of New Hampshire Forests  
      Larry Gomes, Nash Stream OHRV Task Force

# New Hampshire Council on Resources and Development

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1-800-735-2964

## **FINDINGS REGARDING ATV/UTV USE IN NASH STREAM FOREST** **ADOPTED BY CORD ON DECEMBER 8, 2016 (8-0)**

### **General Findings:**

The Council finds that in order to perform its statutory duty to manage LCIP lands, members must review and find that any use of ATV/UTVs, as currently defined by statute, within Nash Stream Forest is consistent with the principles set forth in RSA 162-C:6 prior to implementation.

CORD further finds that any ATV/UTV use in Nash Stream Forest must be limited to specific ATV/UTV trails approved by CORD in advance. In order to be consistent with the principles set forth in RSA 162-C:6, CORD finds that each proposed ATV/UTV trail must meet the following conditions: (1) the trail must be designed, sited, and used so that it preserves and does not adversely impact natural resources and conservation attributes of the property and does not interfere with or detract from the other uses of Nash Stream Forest; (2) the trail must be authorized in a current management plan, which has been reviewed by CORD for consistency with RSA 162-C:6 and has had appropriate public and state agency input; (3) the trail must comply with the requirements of RSA 215-A and all other applicable ATV/UTV and environmental regulations and standards, and the state's most recently adopted best management practices for trail construction and erosion control; (4) after construction, the trail must be continually managed to protect natural resources and conservation attributes and to limit interference with other uses of Nash Stream Forest; (5) CORD must be adequately informed on an ongoing basis of the status of management, maintenance, and enforcement efforts related to ATV/UTV use, as well as impacts of ATV/UTV trails on the Nash Stream Forest; and (6) CORD reserves the right to periodically reassess whether ATV/UTV use in the Nash Stream Forest, or on any of the trails therein, remains consistent with RSA 162-C:6 and reserves the right to temporarily or permanently close trails if necessary as circumstances change over time.

### **West Side Trail:**

The Council finds that the use of ATV/UTVs on the West Side Trail, as currently managed, is consistent with its management obligations under RSA 162-C:6 as long as: (1) the memoranda of agreement required by RSA 215-A:42 relating to monitoring, maintenance, and enforcement

remain up-to-date and contain sufficient detail and safeguards to ensure that the trail is maintained in a safe and environmentally appropriate manner; and (2) conditions and use of the trail do not change in such a way that makes continued use of ATV/UTVs on the West Side Trail inconsistent with the requirements of RSA 162-C:6 as determined by CORD.

**Kelsey Notch Trail:**

The Council finds that, based on current available information, it is not able to determine at this time whether continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with CORD's management obligations under RSA 162-C:6. In order to assist in this determination, CORD requests the following additional information regarding the use, maintenance, and impacts of ATV/UTVs at this location:

1. By the January 12, 2017 CORD meeting, DRED shall submit to CORD for review the following:
  - a. An updated coarse and fine filter analysis of the Kelsey Notch Trail, pursuant to RSA 215-A:43;
  - b. An interagency memorandum of understanding, pursuant to RSA 215-A:42; and
  - c. Written agreements between DRED and a local ATV/UTV club, pursuant to RSA 215-A:42.
2. At such time that CORD has reviewed the information above and determined that it is sufficient for the Kelsey Notch Trail to provisionally re-open for ATV/UTV use, DRED shall then submit the following to CORD for review as they become available:
  - a. The annual reports required pursuant to the interagency memorandum of understanding; and
  - b. Such additional reasonable and appropriate studies, data, and information as CORD may require to adequately assess whether the continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6.
3. CORD will assess this additional information for three years (beginning in 2017) and at the end of this time period, or at any other time as circumstances dictate, CORD shall determine, based on available information:
  - a. That additional information and assessment is necessary to determine whether the use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6; or
  - b. That use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6, subject to the general conditions for any ATV/UTV use in Nash Stream Forest; or
  - c. That ATV/UTV use on the Kelsey Notch Trail is not consistent with RSA 162-C:6 and the trail shall cease to be open for ATV/UTV use.
4. During the pendency of CORD's review of the Kelsey Notch Trail no expansion of the area of disturbance for ATV/UTV use shall be permitted without prior CORD approval.

**MOTION ON GUIDANCE TO DRED REGARDING ATV TRAIL OPTIONS**  
**FOR 2016 REVISED NASH STREAM FOREST MANAGEMENT PLAN**

“In looking at the three options presented to CORD from DRED, and given the preliminary findings of the Technical Team, Option 3 would not be consistent with both the management vision as well as RSA 162-C:6. Both Option 1, keeping the status quo, and Option 2, keeping OHRV use consistent with the 2002 Management Plan amendment, would be consistent with both the management vision and CORD’s LCIP responsibilities. However, Option 1 needs to reflect CORD’s determination earlier in today’s meeting.”

**Adopted by Council on Resources and Development (7-0)**  
**December 8, 2016**



APPENDIX B



United States  
Department of  
Agriculture

Forest  
Service

White Mountain  
National Forest

719 N. Main Street  
Laconia, NH 03246  
Comm (603) 528-8721  
TDD (603) 528-8722

File Code: 1560

Date: December 11, 2001

Phil Bryce  
DRED  
172 Pembroke Road  
Concord, NH 03302

*Tom - your copy  
per Phil*

RECEIVED

DEC 13 2001

D.R.E.D.

Dear Phil,

Attached is the advice from our Office of General Counsel pertaining to ATV's on Nash Stream Forest. This advice is similar to what I communicated to you over the phone.

Please feel free to contact me if you have any questions or concerns.

THOMAS G. WAGNER  
Forest Supervisor

Enc.



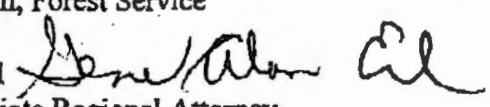


United States  
Department of  
Agriculture

Office of the  
General  
Counsel

Southern Region-Milwaukee Office  
310 W. Wisconsin Avenue, Suite 200W  
Milwaukee WI. 53203-2240  
Telephone: (414) 297-3774  
FAX: (414) 297-3763

TO: Paul Stockinger  
Director, Lands and Minerals      FILE: F&L 15 (GEN)  
Eastern Region, Forest Service

FROM: Gene Alan Erl   
Deputy Associate Regional Attorney

SUBJECT: Nash Stream Easement

This is in response to your request for an opinion on whether the State of New Hampshire may permit the use of all terrain vehicles (ATV'S) on the Nash Stream Forest. The United States holds a conservation easement over the property by virtue of a deed from the State, dated August 4, 1989. We understand the State is in the process of revising its management plan for the area. In response to public requests, it is considering such use.

The Nash Stream Conservation Easement Deed is a so-called reserved interest deed. This means all interests in the property were conveyed, except for those expressly reserved by the grantor. As pertinent here, the State, as grantor, reserved "public recreation" uses, including trails and specifically the... "construction, operation and maintenance of... snowmobile trails...." (deed, para. II. C and II. C. 1) The mention of snowmobile trails as a subset of trails indicates that motorized use of trails is permitted. Thus, because both accommodate motorized vehicles, a reasonable interpretation would be that snowmobile trails being of the same kind, class or nature as ATV trails could be regulated by the State.

The public access provision of the deed, paragraph II. F, also gives to the State the discretion to "reasonably restrict and regulate access and use." This seems directly relevant as to whether the State may regulate ATV recreational use of trails on the easement area. Finally, the multiple use provision of the deed, paragraph II. C. 4, seems broad enough to give the State discretionary regulatory authority over determining how the public may use the trail and road system.

Accordingly, for the foregoing reasons, we are of the opinion that the State may



ban/allow/regulate public ATV use of trails and roads for recreational purposes. However, we think it would be more difficult to conclude that off-trail or off-road (i.e., dispersed) ATV use by the public has been reserved by the State.

cc: James Snow

Deputy Assistant General Counsel  
Natural Resources Division, OGC

Thomas G. Wagner  
Supervisor, White Mountain NF

Tom



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of FORESTS and LANDS  
172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856

GEORGE M. BALD  
Commissioner

603-271-2214  
FAX: 603-271-2629

PHILIP A. BRYCE  
Director

September 10, 2001

Thomas Wagner  
Acting Forest Supervisor  
USDA Forest Service  
White Mountain National Forest  
719 Main Street  
Laconia, New Hampshire 03246

Dear Mr. Wagner:

As a follow up to public requests for recreational use of all terrain vehicles (ATV's) in the 39,601 acre Nash Stream Forest we request a Forest Service legal interpretation of the Nash Stream Forest Conservation Easement held by the United States of America relative to this use. Since the Nash Stream Forest property is subject to the Easement and since it is administered through your office we request your assistance with this matter.

The 1995 Nash Stream Forest Management Plan currently prohibits public recreational use of ATV's. Should a decision be made to revise the current Plan to allow public ATV use, we plan to complete a 7-step plan revision process, including public comments, assessments, and final plan approval by August 2002. In order for us to complete this ambitious schedule, a timely response would be appreciated.

We intend to keep you informed of our progress and welcome oversight of the Conservation Easement terms by you and your staff. Thank you for your assistance.

Sincerely,

Philip A. Bryce  
Director

- Cc: Wayne Millen, Assistant Ranger, USFS, WMNF
- George Bald, Commissioner, DRED
- Rich McLeod, Director, Division of Parks and Recreation, DRED
- Anne Edwards, Assistant Attorney General

TCM/PB

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



Land Management (603) 271-3456  
Information & Planning (603) 271-3457

Natural Heritage Inventory (603) 271-3623



United States  
Department of  
Agriculture

Forest  
Service

White Mountain  
National Forest

719 N. Main Street  
Laconia, NH 03246  
Comm (603) 528-8721  
TDD (603) 528-8722

File Code: 5440

Date: September 25, 2001

Route To:

Subject: Nash Stream Easement

To: Paul Stockinger

Enclosed is a request from the State of New Hampshire for a Forest Service legal interpretation of the Nash Stream Forest Conservation Easement relative to the recreational use of all terrain vehicles (ATV's) in the Nash Stream Forest. The State is currently looking at the possibility of revising their management plan and wants to be able to consider the possibility of this use in the update of their plan in response to public requests.

I have reviewed the easement, which was signed on August 4, 1989, and would like to have you and the Office of General Counsel review my findings prior to me providing the State with a Forest Service position on this matter. My review noted the following items, which appear to pertain to the issue of recreation use and access:

#### Introductory Statements (Whereas)

I found nothing in the introductory statements that indicated to me that the State's consideration of ATV use through their management plan would be inconsistent with the purposes of the easement.

#### II. Use of the Easement Area

Under C.1, the State has expressly reserved public recreation uses in order to construct, operate and maintain campsites, trails, internal access roads, picnic roads, boat launches, trailhead parking areas, visitors center and ranger station. The reserved right specifically highlights cross-country ski trails and snowmobile trails, but based on the way it is written it does not appear to preclude other kind of trails such as hiking and ATV trails or internal access roads.

Under C.2, the conservation easement discusses public roads and public utilities and requires prior written approval of the Forest Service for the installation, operation, and maintenance of these facilities. In the case of this instrument, "public roads" does not include internal access roads and Forest Service involvement would only be required on roads that provide "through travel." I see nothing in this provision that would preclude the State from considering internal access roads for ATV use.

Under C.4, the State is required to manage the property for multiple uses consistent with the purposes and provisions of the easement. The instrument goes on to define multiple use as the harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output. The State redeems their responsibility for this provision



through the preparation and administration of the Nash Stream Forest Management Plan and subsequent revisions of this plan.

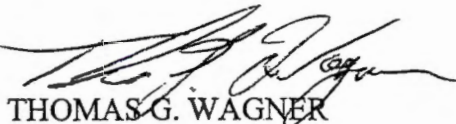
Under Section E.1, I find no prohibited or unreserved uses that apply to the possible management of ATV's on the Nash Stream Forest relative to trail and internal road use.

Under Section F.1 and F.2, I believe the State is considering a public access and use request and has the authority under the easement to reasonably restrict and regulate access.

### III. General Provisions

Under Section D, it would be my opinion as the Forest Supervisor that the State has the discretion to consider ATV use on the Nash Stream Forest during the revision of their Forest Management Plan. The decisions on use of ATV's in the plan would need to consider the purposes of the easement (public use and protection), Natural Resource Management (Section II.4) and the New Hampshire Forest Management Initiatives Act (III.E).

I would appreciate a review of my conclusions, so I can get back to Director Phil Bryce with a Forest Service position on his request for a legal interpretation. Please give me a call if you have any questions.



THOMAS G. WAGNER  
Forest Supervisor

Enclosure

Cc: George Pozzuto, District Ranger



STATE OF NEW HAMPSHIRE  
Inter-Department Communication

DATE: December 26, 2012

FROM: Kenneth M. Desmarais Administrator AT (OFFICE) Forests and Lands  
E-mail: [kdesmarais@dred.state.nh.us](mailto:kdesmarais@dred.state.nh.us)  
Tel. 603-271-2215 x 317

SUBJECT: State Land Management Team Meeting

TO: Land Management Team

Ed Robinson	Dan DeHart	Bob Hardy	Denyce Gagne
Chris Gamache	Jonathan Horton	Pete Bowman	Shaun Bresnahan
Howie Lewis	Bob Spoerl	Seth Prescott	Bryan Comeau
Inge Seaboyer	Brian Lemire	Kyle Lombard	Scott Rolfe
Bryan Nowell	Will Guinn	Chris Roberts	Tom Natale
Edna Feighner	Jim Oehler	Collis Adams	John Magee
Jen Weimer	Mark Stevens	Johanna Lyons	Maggie Machinist
A.J. Dupere	Linda Magoon	Mike Marchand	Heidi Holman
Ken Desmarais	Kim Tuttle		

The following agenda items will be discussed at the meeting scheduled for Tuesday, **January 8**, 2013:

SLMT #13-01-01 - Prescribed Fire - Bryan Nowell.  
SLMT #13-01-02 - Hoit Marsh WMA TS - Bryan Comeau.  
SLMT #13-01-03 - Nash Stream Forest Stark OHRV Road Use - Chris Gamache.  
SLMT #13-01-04 - Nash Stream Forest Columbia OHRV Road - Chris Gamache.

**NOTE CHANGE OF DATE DUE TO NEW YEAR'S DAY!!!!**

**PLEASE SUBMIT PROJECT REVIEW RESPONSE FORMS TO ROBIN TROMBLEY.**

**PLEASE NOTE** that this meeting will begin at **9:00 a.m., Tuesday, January 8th** at the West Conference Room at **NH Fish and Game** in Concord, NH.

KMD/rt

cc:	Karen Bennett	Bill Carpenter	Mike Pelchat	John DeVivo
	Tom Mansfield	Forest Rangers	Sandy Young	Kevin Donovan
	Bill Gegas	Phil Bryce		



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.

\_\_\_XX\_\_\_ 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:

**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**

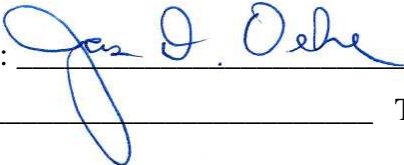
Nash Stream SF was protected through substantial efforts of multiple agencies and organizations with interests in the property's timber, wildlife, ecological, and recreational values. This was followed by another substantial effort of these same entities to develop a management plan that strived to balance 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

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 #13-01-04  
**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

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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: \_\_\_\_\_

Please check one:

- \_\_\_\_\_ Concur with no conditions.
- X   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.)
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Reviewer's Signature: Margaret Machinist

Date: 1/22/13

Name: Margaret Machinist

Title: Regional Forester

COPY FOR YOUR INFORMATION

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:     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:     Peter Bowman    

Date:     1/17/13    

Name:     Peter Bowman    

Title:     Ecologist





**To:** Lawrence Gomes, Milan Trail Huggers  
PO Box 45  
Milan, NH 03588

**From:** NH Natural Heritage Bureau

**Date:** 7/1/2015 (valid for one year from this date)

**Re:** Review by NH Natural Heritage Bureau of request submitted 6/24/2015

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED  
APPLICATIONS SUBMITTED TO THE NHDES WETLANDS BUREAU

**NHB File ID:** NHB15-2129

**Applicant:** Lawrence Gomes

**Location:** Columbia  
Northern section of Nash Stream State Forest

**Project Description:** Upgrade snowmobile Trail Corridor 5 to OHRV standards. Install culverts for cross drainage. Install switchbacks on steep sections. Relocate part of trail to better terrain.

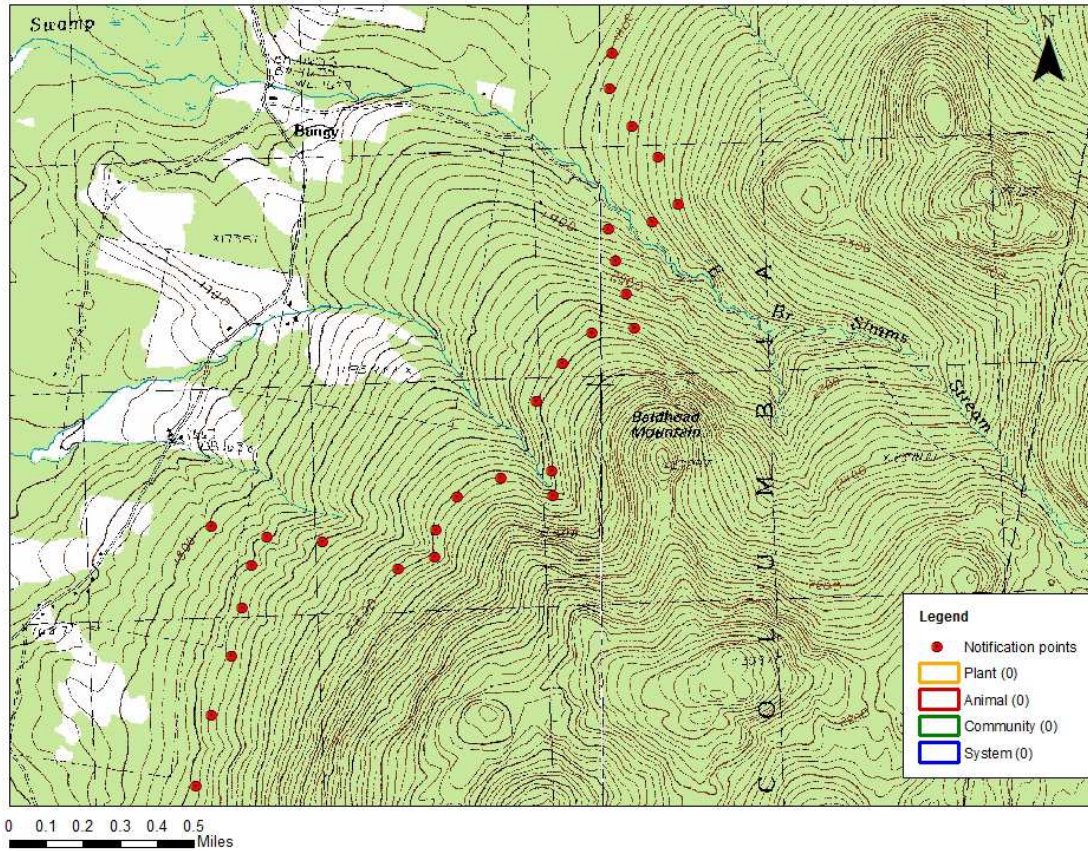
The NH Natural Heritage database has been checked by staff of the NH Natural Heritage Bureau and/or the NH Nongame and Endangered Species Program for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government.

It was determined that, although there was a NHB record (e.g., rare wildlife, plant, and/or natural community) present in the vicinity, we do not expect that it will be impacted by the proposed project. This determination was made based on the project information submitted via the NHB Datacheck Tool on 6/24/2015, and cannot be used for any other project.



MAP OF PROJECT BOUNDARIES FOR: **NHB15-2129**

**NHB15-2129**



## APPENDIX E

Notes from field tour to Nash stream to review of Mt. Kelsey ATV trail on November 4 2105:

Prepared by Will Staats

The day included a walk of completed trail, including the spur that serves both snowmobiles and ATVs and plenty of lively discussion.

Early on: Much discussion regarding the class 6 road and where it ends and begins

Maggie read to the group course and fine filter criteria and the group looked at the completed trail under these guidelines.

Ken: felt road surface was good and soils were not big problem now that trail is built

Todd: Liked the forest stand type that trail runs through-would not cut it

Jim and others: Discussion about monitoring requirement-what does this mean and how should it be accomplished

Todd: trail could use more culverts and some broad based dips

The following is a brief synopsis of what we summarized at days end in our "talk circle".

1. What is the status and likely hood of a signed MOA?
2. Need geologist input
3. Will expressed concerns regarding fragmentation of habitat due to more trails.
4. Pete expressed concerns regarding distance to wetlands.
5. **And the big issue: Do ATVs meet the original intent and purchase of the formulation of Nash Stream State forest?**

Further random thoughts that came out of the round Circle:

Steve: We need to make sure Cord what is happening ahead of time

Clint: we will have to go before Cord but not sure they have final yeah or nay

Bill: Feels Cord does in fact have that say and power to say No

Maggie: Cord really were not properly appraised of what we did on this trail

Steve: Cord is gaining a greater interest and understanding due to other issues around the State of New Hampshire

Bill: We will update cord in two weeks.

Ken: We should not rush this very important decision

Clint and Maggie: Had some discussion on what has been put in Recreation section and the interpretation of this section as is-Clint feels the section asked that we do look for a route in then south

Will: This decision will set the bar and precedent for other actions on Nash if not other State lands – would hate to go against what original architects envisioned for purposes of purchase of Nash Stream after all the hard work and money

Ken and all: DRED needs to forward a position if ATVs are appropriate for Nash-the tech team will help to inform this-we don't make the call

Ken and others: Invite original architects of purchase to meeting for short "testimony" on intent of purposed upon purchase

Ken: Will share 51 page document with group pending Brad's approval

Will: East /west trail review-we will unlikely get to this prior to snow fall

Other needs: The current trail needs appropriate remediation efforts **now**-more culverts, broad based dips to prevent further erosion

Bill: will research what he can find on original intent of purchase

Jim: Can't make 19<sup>th</sup> meeting, nor can Will-going to send Rich Cook in our absence( **suggestion: If wildlife input critical meeting should be postponed until week of December 7-for the record Dianne also would like to see date changed so at least she and Jim could show up**)

**MEMORANDUM OF UNDERSTANDING**

**between  
NH Fish and Game Department  
and  
NH Department of Resources and Economic Development, Bureau of Trails  
and  
NH Department of Resources and Economic Development, Division of Forests and Lands  
for the purposes of  
Monitoring, Maintaining and Enforcing Public OHRV Use  
on  
“West Side Trail” and “Kelsey Notch Pilot Trail”  
in  
Nash Stream Forest**

Pursuant to RSA 215-A:42, I (b), this interagency agreement (the MOA) is entered into, by and between, the New Hampshire Fish and Game Department, (NHF&G), and the New Hampshire Department of Resources and Economic Development (DRED) through the Bureau of Trails and the Division of Forests and Lands, for the purpose of managing public OHRV trails to be known as “Kelsey Notch Pilot Trail” and “West Side Trail”, as depicted on a map here attached as Exhibit A, upon state-owned land under the management of DRED, known as Nash Stream Forest.

Whereas, Nash Stream Forest was acquired by the State through the Land Conservation Investment Program and pursuant to RSA 162-C:6, the Council on Resources and Development is responsible for management and administration of lands acquired under the LCIP so as to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire, and

Whereas, Off Highway Recreational Vehicles to include All Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) are rapidly becoming an outdoor recreational activity popular to the North Country economy of the State of New Hampshire, by adding much needed revenue opportunities to some North Country businesses, and

Whereas, pursuant to RSA 215-A:3, DRED - Bureau of Trails is responsible for the coordination between DRED - Division of Forests and Lands, NHF&G, and the Department of Transportation (NHDOT) with respect to matters pertaining to OHRVs and snowmobiles; including ATVs and UTV's, and

Whereas, pursuant to RSA 227-G:3(I)(c), the Director of Forests and Lands is responsible for the execution of all matters pertaining to the use of state reservations, except matters pertaining to the recreational development, administration, and maintenance, which shall be done in cooperation with the director of the DRED - Division of Parks and Recreation, with the approval of the Governor and Executive Council as required, and

Whereas, pursuant to RSA 215-A:16 and RSA 227-G:7, DRED Forest Rangers are recognized law enforcement officers with authority to enforce OHRV laws on public lands; and

Whereas, pursuant to RSA 215-A:32, the Executive Director of NHF&G is responsible for the adoption and implementation of rules and administrative procedures for public OHRV riding, necessary for the safety of riders and passengers and the protection of property, and

Whereas, pursuant to RSA 215:16, NHF&G is authorized to enforce OHRV laws within the state of NH;

Therefore, NHF&G and DRED (together the Parties), agree as follows:

1. NHF&G will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to the operation of OHRVs.
2. DRED - Bureau of Forest Management, in collaboration with NHF&G, will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to the condition and maintenance of the trail per the agreement between DRED and the locally organized OHRV club (RSA 215-A.c), to ensure water quality laws are not violated. Such required agreement for West Side Trail between the DRED and North Country ATV Club being here attached as Exhibit B, and such required agreement for the Kelsey Notch Pilot Trail between DRED and Metallak ATV Club being here attached as Exhibit C.
3. DRED enforcement staff will enforce state laws, primarily RSA 215-A, and DRED rules as they pertain to operation of OHRVs, and protection of the property.
4. Once a year, by October 15th, the Parties will provide an enforcement report to the Nash Stream Forest Citizens Committee and to the Council on Resources and Development. The report shall include the number and type of violations and warnings, OHRV accidents, a statement of enforcement related concerns and successes, and any input on ways to promote better safety and education to the riders.
5. DRED Bureau of Trails, in concert with the local club noted in the MOA for the specific trail, will monitor and maintain the approved trails in a safe and environmentally responsible manner using best management practices as described in "Best Management Practices for Erosion Control during Trail Maintenance and Construction," or any successor publication.
6. Once a year, by October 15th, the following staff representing the Parties will provide an environmental compliance report (the Report) to the Nash Stream Forest Citizens Committee and to the Council on Resources and Development:
  - DRED Trails Bureau District #1 Supervisor, or designee
  - DRED Division of Forests and Lands North Region Forester, or designee
  - F&G Region 1 Wildlife Biologist, or designee

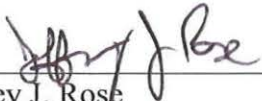
The Report shall include the dates of each inspection, photographs (particularly of stream crossings), a narrative of trail conditions as they relate to environmental resources, any water quality violations, and recommendations including a timeline for remediations or repair work necessary to bring the trails into compliance with water quality regulations.

7. The Parties will work with the local recognized clubs to provide safety education to the public, and the Parties will also provide technical guidance to the clubs on proper OHRV trail maintenance.
8. The Parties agree that each will work cooperatively to provide safe and environmentally responsible riding opportunities to these OHRV trails, and recognize that failing to properly maintain these trails to avoid water quality violations and/or damages to aquatic

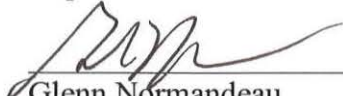


resources and wildlife habitat could lead DRED and/or NHF&G to suspend the MOA in writing by 30 day notification to the other party until appropriate maintenance has been performed, or suspend indefinitely, depending on the severity of the damage.

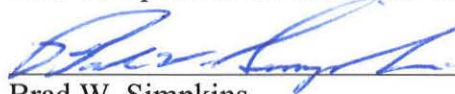
1-3-17  
Date

  
\_\_\_\_\_  
Jeffrey J. Rose  
Commissioner  
Department of Resources and Economic Development

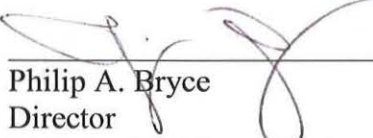
1/5/2017  
Date

  
\_\_\_\_\_  
Glenn Normandeau  
Executive Director  
New Hampshire Fish and Game Department

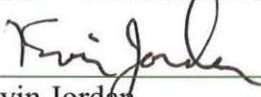
1/3/17  
Date

  
\_\_\_\_\_  
Brad W. Simpkins  
Director  
DRED – Division of Forests and Lands

1-3-17  
Date

  
\_\_\_\_\_  
Philip A. Bryce  
Director  
DRED – Division of Parks and Recreation

1/5/17  
Date

  
\_\_\_\_\_  
Kevin Jordan  
Colonel  
New Hampshire Fish and Game Department



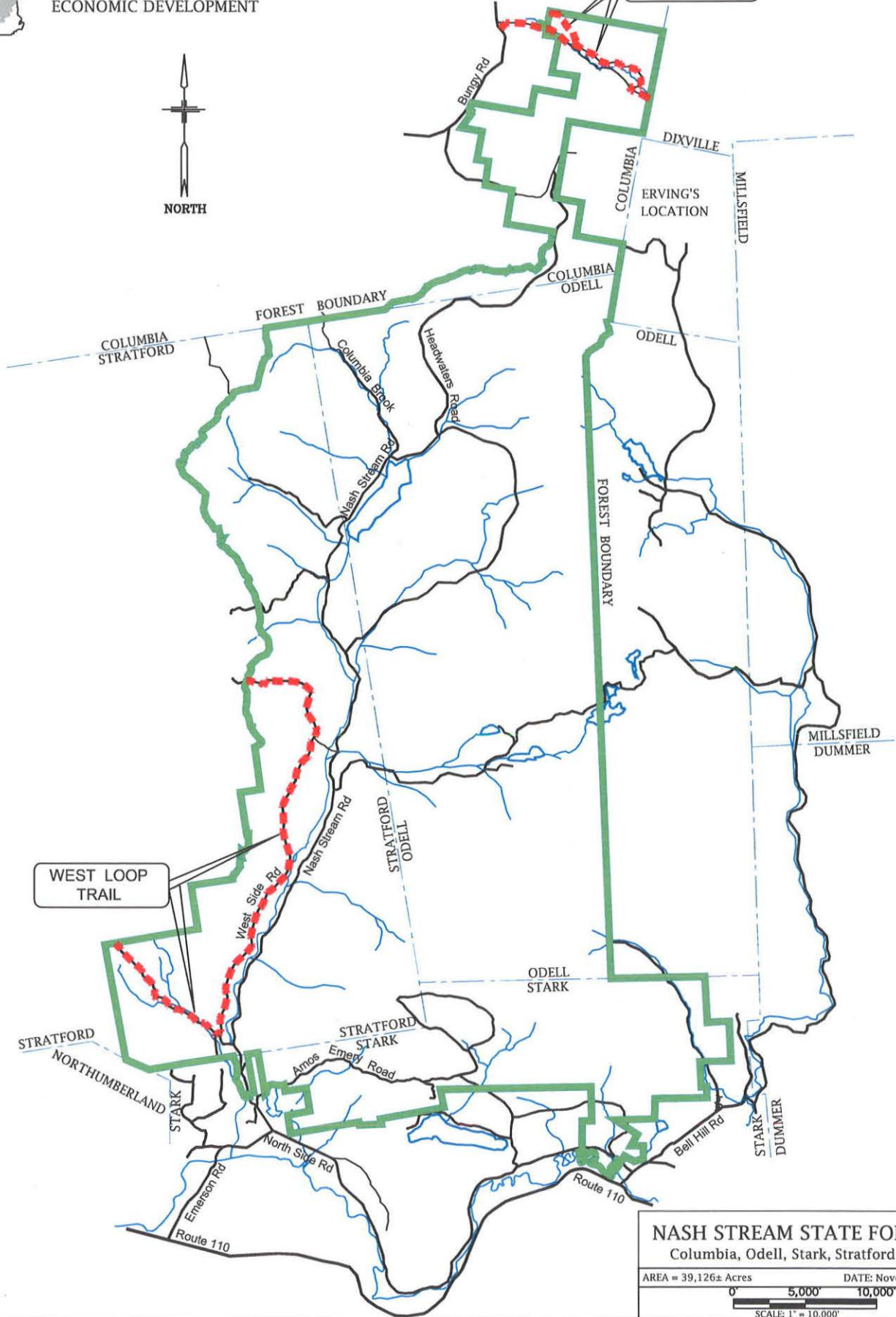




STATE OF NEW HAMPSHIRE  
DEPARTMENT OF RESOURCES &  
ECONOMIC DEVELOPMENT

# EXHIBIT A

KELSEY NOTCH  
PILOT TRAIL



WEST LOOP  
TRAIL

**NASH STREAM STATE FOREST**  
Columbia, Odell, Stark, Stratford, NH

AREA = 39,126± Acres      DATE: November 2016  
 0'      5,000'      10,000'  
 SCALE: 1" = 10,000'



MEMORANDUM OF AGREEMENTFor  
ATV Trail  
AT  
NASH STREAM FOREST

Pursuant to New Hampshire RSA Chapter 215-A:3 "Off Highway Recreational Vehicles and Trails", and under the provisions of Res 8500 "Bureau Trail Use Rules", this Memorandum of Agreement ("MOA") is entered into this 11 day of July, 2016, between the **New Hampshire Department of Resources and Economic Development**, (the "STATE"), with a principle mailing address of P.O. Box 1856, Concord, NH 03302-1856 and the **North Country ATV Club**, (the "CLUB"), P.O. Box 161, Stratford, NH 03032, for the purpose of providing the opportunity for the public to operate all-terrain vehicles (ATVs) on state-owned property known as "Nash Stream Forest" (the "PROPERTY") in Stratford, NH, as prescribed below.

**WHEREAS**, Nash Stream Forest is the largest state-owned forestland in New Hampshire at 39,601 acres, and pursuant to the "Nash Stream Management Plan", is open to public use and managed for multiple uses and resource values including off-highway recreation vehicles (OHRVs);

**WHEREAS**, the Nash Stream Management Plan provided for an "ATV Use – West Side Connector Pilot Program" and the five (5) year trial period was successful and the advisory committee voted on January 25, 2007 to issue a 3 year agreement;

**WHEREAS**, Chapter 233-20 of the NH Laws of 2002 directs the Commissioner of the Department of Resources and Economic Development to move forward toward the establishment of an ATV connecting trail in Nash Stream Forest;

**WHEREAS**, the Division of Forests and Lands, pursuant to RSA 227-G, has the responsibility for the management of all state-owned forestlands, and to cooperate with the Division of Parks and Recreation in promoting recreational use of state-owned forestlands,;

**WHEREAS**, the Division of Parks and Recreation, pursuant to RSA 216-A:3, has the responsibility for recreation, development and management of state-owned parks and forests, and to cooperate with the Division of Forests and Lands in the joint promotion of forest recreation and forest management of state-owned forestlands;

**WHEREAS**, the United States of America holds a Conservation Easement on the Nash Stream Forest that assures perpetual public use and protection of the forest and provides for OHRV use on its roads and trails;

**WHEREAS**, the Division of Parks and Recreation, Bureau of Trails, pursuant to RSA 215-A, is responsible for establishing and administering ATV trails in cooperation with state and private interests for public benefit, administering funds for the development and maintenance of OHRV trails, and working with organized trail clubs in support of the activity; and

WHEREAS, the CLUB is a recognized non-profit group by the State of New Hampshire that provides designated ATV trails for its members and the public, and has a policy of closely watching and maintaining its trails to protect and preserve the landscape.

NOW THEREFORE, the parties hereto agree as follows:

- 1) The parties agree to work cooperatively in providing and maintaining, through environmentally sound action, a safe, functional, attractive and user-friendly ATV trail system (the "TRAIL") over existing ways known as "West Side Road", "Bordeau Trail" and "Andritz Trail", or relocated portions thereof, on the PROPERTY, as depicted on a plan entitled "Proposed ATV Trail – Nash Stream Forest" (the "PLAN"), attached as ATTACHMENT A.
- 2) The STATE hereby grants to the CLUB, in cooperation and coordination with the STATE, the exclusive rights to operate, manage and maintain, and to promote responsible public use of the TRAIL under a three (3) year term commencing from the effective date of this Agreement thru December 15, 2019, for the seasonal period of May 23<sup>rd</sup> after continuous snow cover has melted, until December 15<sup>th</sup>.
- 3) Throughout the PROGRAM, the CLUB agrees to work with the STATE to mitigate the impact of the TRAIL on natural resources and other uses of the PROPERTY.
- 4) Throughout the PROGRAM, the CLUB agrees to maintain the TRAIL in a litter-free condition and shall promptly dispose of all litter, trash and manmade debris in a proper manner.
- 5) The CLUB agrees to assist the STATE in the maintenance of the TRAIL for all matters relating to ATV use, including sign replacement and maintenance, routine structure inspection and repairs and may apply for Grant In Aid funds for other projects, as requested by the STATE. The CLUB agrees to conduct ATV use related maintenance using best management practices as described in "Best Management Practices for Erosion Control During Trail Maintenance and Construction" (State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Trails Bureau) or any successor standard. The STATE, and its agents, reserves the right to enter the PROPERTY with persons and equipment for purposes of maintaining the TRAIL. Through the Grant-In-Aid PROGRAM, maintenance activities by the CLUB shall include, but not be limited to, installation and replacement of bridges and culverts, rocks and stump removal, smoothing the trail surface, placement of gravel and natural fill, installation of broad based dips, water bars and ditches, removal of fallen trees and cutting back encroaching vegetation. All maintenance activities must be approved through a Trail Maintenance Work Plan (the "PLAN"), or the Grant-in-Aid projects. The TRAIL and any and all improvements shall remain the property of the STATE.
  - a. The CLUB and the STATE recognize that a portion of the TRAIL known as "West Side Road" is maintained by the STATE as a Class B Gravel Summer Road, under the Nash Stream Forest Management Plan. The CLUB shall not be responsible for the maintenance of West Side Road associated with the normal wear and tear of the Road due to non-ATV use.
  - b. The STATE agrees that the CLUB shall not be responsible for repairs to the TRAIL resulting from unexpected catastrophic events, natural or otherwise.

6) The STATE maintains the right to close the TRAIL when any of the following occur:

- weather conditions make the TRAIL unsuitable for ATV use;
- public safety is endangered due to TRAIL conditions;
- use of the TRAIL is resulting in degradation of surface waters;
- damage to the TRAIL may occur due to heavy rain, mud, or other condition;
- use of the Trail is resulting in unauthorized ATV use on the PROPERTY;
- any other reason that is insurmountable by the STATE and the CLUB, which would cause public safety or environmental concerns sufficient enough to close the TRAIL to ATV use; and
- loss of permission from abutters to cross their lands.
- no reasonable alternatives are available when trail use and forest management activities can not safely be accommodated on the developed roads .

8) If the STATE closes the TRAIL, the STATE shall meet with the CLUB immediately, in no case to exceed one (1) week, to discuss the reasons for closing the TRAIL and corrective action to be taken, provided such action is acceptable to the STATE.

9) The CLUB shall obtain all necessary federal, state and local permits and approvals for projects done by the CLUB, and remain in compliance with and abide by the terms of said permits and approvals, and all federal, state, and local laws and regulations regarding new construction, maintenance and supervision of use upon the Trail.

#### **MONITORING TRAIL USE :**

In cooperation and consultation with the STATE, the CLUB agrees to monitor ATV usage on the TRAIL, and communicate with other users of the TRAIL, to ensure that the special ecological conditions, as identified in the baseline documentation collected for the PROGRAM on file with the STATE, are not substantially diminished or degraded by ATV use and that ATV use is limited to the designated TRAIL and is done in compliance with then existing state laws, administrative rules and this Agreement. The STATE and the CLUB agree to meet at least twice annually, before May 23 and within one month of the annual closing date, and more often at the request of either party, to discuss ATV use issues that may develop and to consider management options.

The STATE, and its agents, reserves the right to access the TRAIL with persons and equipment to establish and maintain monitoring stations and study plots.

#### **LIMITATION OF LIABILITY :**

Nothing in the Memorandum of Agreement (MOA) shall be a basis for any liability on the part of the STATE with respect to personal injury or property damage sustained by any person. The STATE is entitled to the protections of RSA 508:14, RSA 212:34 and sovereign immunity. The club shall defend and indemnify and save the State of New Hampshire harmless for any liability, damage, loss, cost or expense caused by the Club for injury to persons or property arising out of, or incidental to, the use of the TRAIL as herein permitted.

### COMPLIANCE WITH DEPARTMENTAL REGULATIONS AND POLICIES:

The use of ATVs on the PROPERTY shall be in accordance with New Hampshire laws and the STATE'S rules and regulations pertaining to such use. The term "ATV" is defined in section 215-A: 1.

### NON-EXCLUSIVE USE:

The TRAIL shall be open to the public for ATV use as defined in RSA 215-A:1 and shall not be limited to use by members of the CLUB.

### RESPONSIBILITIES OF THE CLUB:

Annually the PLAN shall be prepared with the assistance of the Trails Bureau and submitted by December 1st, to the STATE. The PLAN shall include, but not be limited, to the following:

- TRAIL monitoring reports (completed through the "Volunteer Trail Patrol Program" – see ATV Education Section below);
- TRAIL maintenance reports (completed through the "Volunteer Trail Patrol Program" – see ATV Education Section below);
- Record of the previous year's maintenance activities to include hours of volunteer work and maintenance costs – both state-grant funded and other funding source activities;
- Annual "Pilot Program Summary Report" summarizing the status of the PROGRAM to date; and
- Routine maintenance activities

The PLAN shall be reviewed and approved by the Division of Forests and Lands and the Bureau of Trails within thirty (30) days of submission. Issues, if any, rendering the PLAN unacceptable, shall be resolved by the STATE and the CLUB before the TRAIL may be opened for the approaching season. The CLUB shall work cooperatively with the STATE to do such things as are reasonably necessary and practicable (including the use of gates, barriers and appropriate official signs) to keep ATV use on the TRAIL and to restrict access by vehicles other than ATVs. Any proposed work to the TRAIL by the CLUB shall not be permitted until all environmental permits are secure and copies are submitted to the Trails Bureau.

### RESPONSIBILITIES OF THE STATE :

Prior to the commencement of the PROGRAM, the TRAIL shall be adequately marked by the STATE in accordance with the "Trail Signing Handbook: Guidelines for Signing Snowmobile Trails" (State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Trails Bureau), or any successor standard, to indicate location of the TRAIL, to restrict ATV use to within the designated TRAIL corridor, and to restrict access by vehicles other than ATVs. All spur, side or connecting trails will be posted to indicate that ATV access and use thereon is prohibited.

**ATV-USER EDUCATION:**

The CLUB shall conduct ATV use education prescribed by the STATE known as the Volunteer Trail Patrol Program ("PATROL") on the TRAIL. The PATROL shall include continued monitoring of TRAIL use, abuse and interaction with users to assure compliance with the terms of the MOA and recording of routine TRAIL maintenance. The CLUB shall submit copies of "Trail Patrol Reports" to the Bureau of Trails. The CLUB shall provide the users with information regarding authorized riding areas and post necessary signs pertaining to protection of water quality and other environmental issues as the PROGRAM progresses.

**AMMENDMENTS:**

This AGREEMENT may be amended only in writing through mutual agreement by the STATE and the CLUB.

**TRANSFERABILITY:**

The CLUB, upon written approval from the STATE, may transfer its rights and responsibilities under this MOA to another qualified non-profit group if it is determined that the CLUB is no longer able or willing to abide by the terms and conditions of this MOA. In the event that this MOA is not transferred, the Commissioner of DRED shall make an assessment to determine whether to continue or not continue ATV use and TRAIL designation on the PROPERTY.

**TERMINATION:**

The STATE or the CLUB may terminate this agreement with a 30 day written notice to the other party, for any reason deemed appropriate by either party.

**ATTACHMENTS:**

Attachment A – Trail Plan

**SIGNATURES:**

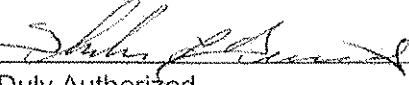
**"STATE" – New Hampshire Department of Resources and Economic Development**

By:  7/12/16  
Brad W. Simpkins, Director  
Division of Forests and Lands  
Date

By:  7/12/16  
Philip A. Bryce, Director  
Division of Parks and Recreation  
Date

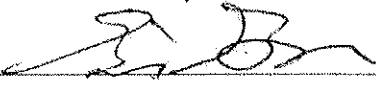
By:  7/13/16  
Jeffrey J. Rose, Commissioner  
Date

**"CLUB" – North Country ATV Club**

By:  7-11-16  
Duly Authorized  
THEODORE L BURNS  
TRAIL ADMINISTRATOR NCATV  
Date

Approved as to form, substance and execution by the Office of the Attorney General:

7/14/16  
Date

  
Brian W. Buonamono  
Senior Assistant Attorney General

**Notices**

All notices pursuant to this MOA should be sent to the following parties:

Brad Simpkins, Interim Director Forests and Lands 172 Pembroke Road Concord, NH 03301	Margaret Machinist, North Region Forester Forests and Lands - North Region Headquarters 629B Main Street Lancaster, NH 03584-3612
Christopher Gamache, Chief Supervisor NH Bureau of Trails 172 Pembroke Road Concord, NH 03301	Ted Burns, Trails Administrator North Country ATV Club PO BOX 161 Stratford, NH 03032
Nash Stream Forest Citizen Advisory Committee C/O Forests and Lands PO BOX 1856 Concord, NH 03302-1856	



**PILOT**  
**MEMORANDUM OF AGREEMENT**  
**For**  
**ATV Trails**  
**AT**  
**NASH STREAM FOREST**

Pursuant to New Hampshire RSA Chapter 215-A:3 "Off Highway Recreational Vehicles and Trails", and under the provisions of Res 8500 "Bureau Trail Use Rules", this Memorandum of Agreement ("the MOA") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, between the **New Hampshire Department of Resources and Economic Development**, (the "STATE"), with a principle mailing address of P.O. Box 1856, Concord, NH 03302-1856 and the **Metallak ATV Club**, (the "CLUB"), P.O. Box 318, Colebrook, NH, 03576, for the purpose of providing the opportunity for the public to operate all-terrain vehicles (ATVs and UTV's for purposes of this agreement) on a portion of state-owned property known as "Nash Stream Forest" (the "PROPERTY") in Columbia NH, as prescribed below.

**WHEREAS**, Nash Stream Forest is the largest state-owned forestland in New Hampshire at 39,601 acres, and pursuant to the "Nash Stream Management Plan", is open to public use and managed for multiple uses and resource values including off-highway recreation vehicles (OHRVs) where approved; and

**WHEREAS**, on November 13, 2012 the Nash Stream Citizen Advisory Committee considered a proposal for ATV connector trails in the Kelsey Notch area of Nash Stream Forest and recommended approval of a "pilot" trail and agreement; and

**WHEREAS**, the Division of Forests and Lands, pursuant to RSA 227-G, has the responsibility for the management of all state-owned forestlands, and to cooperate with the Division of Parks and Recreation in promoting recreational use of state-owned forestlands; and

**WHEREAS**, the Division of Parks and Recreation, pursuant to RSA 216-A:3, has the responsibility for recreation, development and management of state-owned parks and forests, and to cooperate with the Division of Forests and Lands in the joint promotion of forest recreation and forest management of state-owned forestlands; and

**WHEREAS**, the United States of America holds a Conservation Easement on the Nash Stream Forest that provides for State-managed public use on its roads and trails; and

**WHEREAS**, the Division of Parks and Recreation, Bureau of Trails, pursuant to RSA 215-A, is responsible for establishing and administering ATV trails in cooperation with state and private interests for public benefit, administering funds for the development and maintenance of OHRV trails, and working with organized trail clubs in support of the activity; and

**WHEREAS**, the CLUB is a recognized non-profit group by the State of New Hampshire that secures rights to designated ATV trails for its members and the public, and has a policy of closely patrolling and maintaining its trails to protect and preserve the landscape;

**NOW THEREFORE**, the parties hereto agree as follows:

- 1) The parties agree to work cooperatively in providing and maintaining, through environmentally sound action, a safe, functional, attractive and user-friendly ATV trail corridors (the "TRAIL") over existing ways known as "Kelsey Notch Road Trail" and "Kelsey Notch Connection Trail", on the PROPERTY, as depicted on an attached plan.
- 2) The STATE hereby grants to the CLUB, in cooperation and coordination with the STATE, the exclusive rights to operate, manage and maintain, and to promote responsible public use of the TRAIL under a "pilot" three (3) year term commencing from the effective date of the MOA, thru December 15, 2020, for the seasonal period of May 23rd after continuous snow cover has melted, until December 15th. If abutting lands close earlier the trail shall close on that date.
- 3) Throughout the 3-year pilot term, the CLUB agrees to work with the STATE to mitigate the impact of the TRAIL on natural resources and other uses of the PROPERTY.
- 4) Throughout the 3-year pilot term, the CLUB agrees to maintain the TRAIL in a litter-free condition and shall promptly dispose of all litter, trash and manmade debris in a proper manner.
- 5) The CLUB agrees to assist the STATE in the maintenance of the TRAIL for all matters relating to ATV use, including sign replacement and maintenance, routine structure inspection and repairs and may apply for Grant-In-Aid funds for other projects, as requested by the STATE. The CLUB agrees to conduct ATV use related maintenance using best management practices as described in "Best Management Practices for Erosion Control During Trail Maintenance and Construction" (State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Trails Bureau) or any successor standard. The STATE, and its agents, reserves the right to enter the PROPERTY with persons and equipment for purposes of maintaining the TRAIL. Through the Grant-In-Aid PROGRAM, maintenance activities by the CLUB shall include, but not be limited to, installation and replacement of bridges and culverts, rocks and stump removal, smoothing the trail surface, placement of gravel and natural fill, installation of broad based dips, water bars and ditches, removal of fallen trees and cutting back encroaching vegetation. All maintenance activities must be approved through a Trail Maintenance Work Plan (the "PLAN"), or the Grant-in-Aid projects. The TRAIL and any and all improvements shall remain the property of the STATE.

The STATE agrees that the CLUB shall not be responsible for repairs to Kelsey Notch Road Trail or Kelsey Notch Connection Trail resulting from unexpected catastrophic events, natural or otherwise, but hereby agrees to work with the STATE to complete any such repairs.

- 6) The STATE reserves the right to close the TRAIL when any of the following occur:
  - weather conditions make the TRAIL unsuitable for ATV use;
  - public safety is endangered due to TRAIL conditions;
  - use of the TRAIL is resulting in degradation of surface waters;
  - damage to the TRAIL may occur due to heavy rain, mud, or other condition;
  - use of the Trail is resulting in unauthorized ATV use on the PROPERTY;
  - any other reason that is not immediately resolvable by the STATE and the CLUB;
  - loss of permission from abutters to cross their lands, thereby rendering the TRAIL inaccessible, and.
  - no reasonable alternatives are available when forest management activities require direct use of the TRAIL

- 8) In the event that the STATE must effect a planned closure of the TRAIL, the STATE shall give the CLUB no less than one (1) week notice prior to closure.
- 9) The CLUB shall obtain all necessary federal, state and local permits and approvals for projects done by the CLUB, and remain in compliance with and abide by the terms of said permits and approvals, and all federal, state, and local laws and regulations regarding new construction, maintenance and supervision of use upon the TRAIL.

#### **MONITORING TRAIL USE :**

In cooperation and consultation with the STATE, the CLUB agrees to monitor ATV usage on the TRAIL, and communicate with other users of the TRAIL, to promote public safety and reduce any possible negative environmental impact. The STATE and the CLUB agree to meet at least twice annually, before May 23 and within one month of the annual closing date, and more often at the request of either party, to discuss ATV use issues that may develop and to consider management options. The STATE, and its agents, reserves the right to access the TRAIL with persons and equipment at any time.

#### **LIMITATION OF LIABILITY :**

Nothing in the Memorandum of Agreement (MOA) shall be a basis for any liability on the part of the STATE with respect to personal injury or property damage sustained by any person. The STATE is entitled to the protections of RSA 508:14, RSA 212:34 and sovereign immunity. The Club shall defend and indemnify and save the State of New Hampshire harmless for any liability, damage, loss, cost or expense caused by the Club for injury to persons or property arising out of, or incidental to, the use of the TRAIL as herein permitted.

#### **COMPLIANCE WITH DEPARTMENTAL REGULATIONS AND POLICIES:**

The use of ATVs on the PROPERTY shall be in accordance with New Hampshire laws and the STATE'S rules and regulations pertaining to such use. For the purposes of this agreement the term ATV also includes UTVs. The term "ATV" and "UTV" are defined in RSA 215-A: 1.

#### **NON-EXCLUSIVE USE:**

The TRAIL shall be open to the public for ATV use as defined in RSA 215-A:1 and shall not be limited to use by members of the CLUB.

#### **RESPONSIBILITIES OF THE CLUB:**

Annually the PLAN shall be prepared with the assistance of the Trails Bureau and submitted by December 1st, to the STATE. The PLAN shall include, but not be limited, to the following:

- TRAIL monitoring reports
- TRAIL maintenance reports
- Record of the previous year's maintenance activities to include hours of volunteer work and maintenance costs – both state-grant funded and other funding source activities;
- Routine maintenance activities

The PLAN shall be reviewed and approved by the Division of Forests and Lands and the Bureau of Trails within thirty (30) days of submission. Issues, if any, rendering the PLAN unacceptable, shall be resolved by the STATE and the CLUB before the TRAIL may be opened for the approaching season. The CLUB shall work cooperatively with the STATE to do such things as are reasonably necessary and practicable (including the use of gates, barriers and appropriate official signs) to keep ATV use on the TRAIL and to restrict access by vehicles other than ATVs. Any proposed work to the TRAIL by the CLUB shall not be permitted until all environmental permits are secure and copies are submitted to the Trails Bureau.

#### **RESPONSIBILITIES OF THE STATE :**

In cooperation with the CLUB, the TRAIL shall be adequately marked by the STATE in accordance with the "Trail Signing Handbook: Guidelines for Signing OHRV Trails" (State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Trails Bureau), or any successor standard, to indicate location of the TRAIL, to restrict ATV use to within the designated TRAIL corridor, and to restrict access by vehicles other than ATVs. All spur, side or connecting trails will be posted to indicate that ATV access and use thereon is prohibited.

#### **AMMENDMENTS:**

The MOA may be amended only in writing through mutual agreement by the STATE and the CLUB.

#### **TRANSFERABILITY:**

The CLUB, upon written approval from the STATE, may transfer its rights and responsibilities under the MOA to another qualified non-profit group if it is determined that the CLUB is no longer able or willing to abide by the terms and conditions of this MOA. In the event that this MOA is not transferred, the Commissioner of DRED shall make an assessment to determine whether to continue or not continue ATV use and TRAIL designation on the PROPERTY.

#### **TERMINATION:**

The STATE or the CLUB may terminate the MOA with a 30-day written notice to the other party, for any reason deemed appropriate by either party.

#### **DISPUTES:**


Prior to the filing of any formal proceedings with respect to a dispute, the party believing itself aggrieved shall call for progressive management involvement in the dispute negotiation by written notice to the other party. The parties shall use all reasonable efforts to arrange personal meetings and/or telephone conferences as needed.

If the dispute is not resolved informally, disputes may be resolved by filing an action in the Merrimack County Superior Court.

This AGREEMENT is to be construed according to the Laws of the State of New Hampshire.

**SIGNATURES:**

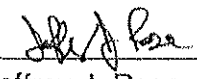
**"STATE" – New Hampshire Department of Resources and Economic Development**

By:   
Brad W. Simpkins, Director  
Division of Forests and Lands

1/9/17  
Date

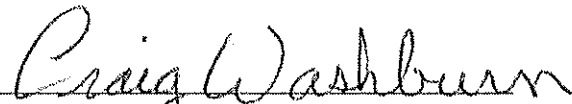
By:   
Philip A. Bryce, Director  
Division of Parks and Recreation /

1-9-17  
Date

By:   
Jeffrey J. Rose, Commissioner

1/9/17  
Date

**"CLUB" – Metallak ATV Club**

By:   
Craig Washburn – President  
Duly Authorized

1-5-17  
Date

Approved as to form, substance and execution by the Office of the Attorney General:

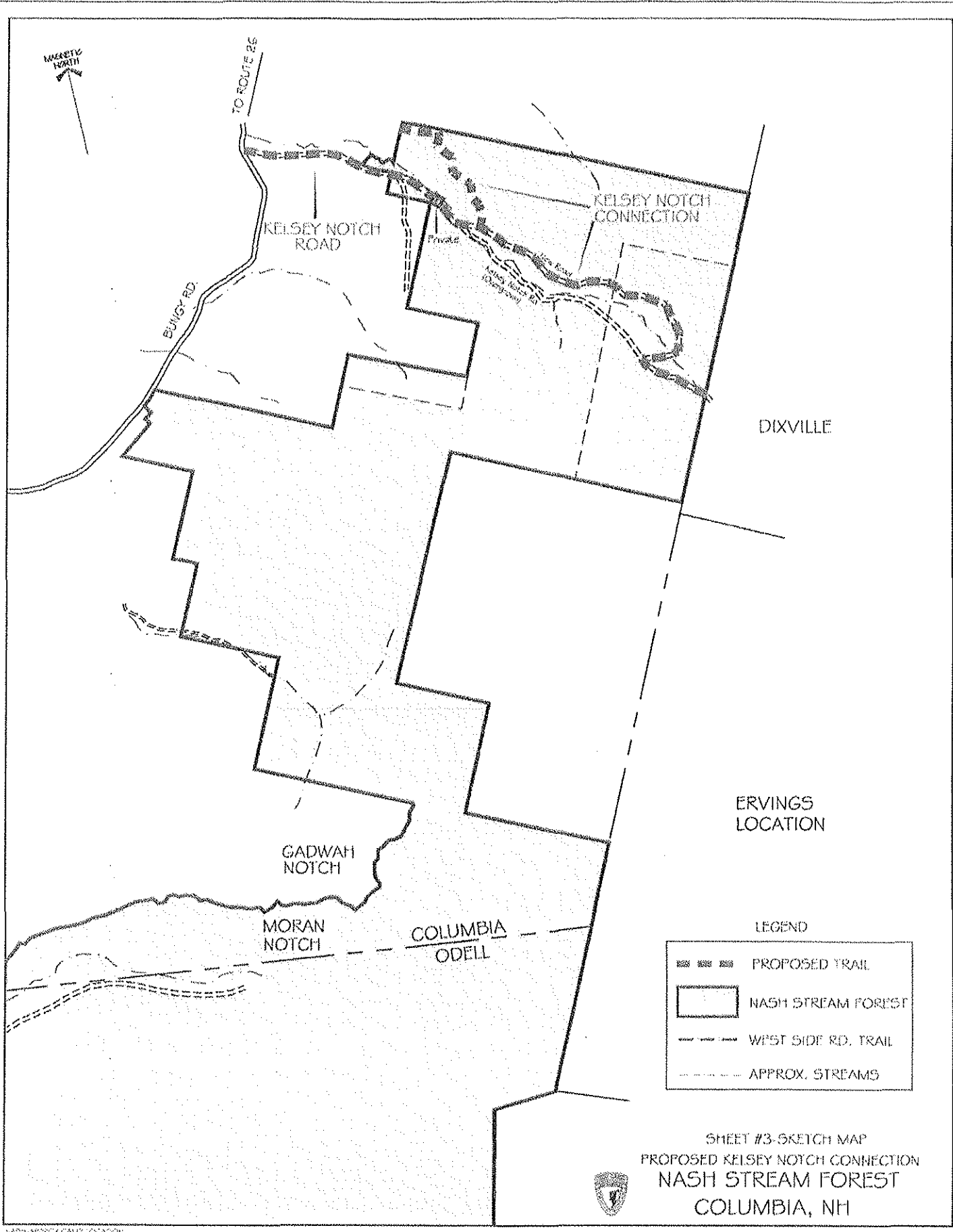
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeanine Girgenti  
Assistant Attorney General

**Notices**

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Brad Simpkins, Director Forests and Lands 172 Pembroke Road Concord, NH 03302-1856	Margaret Machinist, North Region Forester Forests and Lands - North Region Headquarters 629B Main Street Lancaster, NH 03584-3612
Chris Gamache, Chief Supervisor NH Bureau of Trails 172 Pembroke Road Concord, NH 03302-1856	Craig Washburn, President Metallak ATV Club P.O. Box 318 Colebrook, NH, 03576
Nash Stream Forest Citizen Advisory Committee C/O Forests and Lands 172 Pembroke Road Concord, NH 03302-1856	Clint Savage, District 1 Supervisor NH Bureau of Trails 629B Main Street Lancaster, NH 03584-3612



148-14-0001 CAMP LOCATION

RECEIVED

JAN 09 2017

D.R.E.D.



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**WHEREAS**, on November 13, 2012 the Nash Stream Citizen Advisory Committee considered a proposal for ATV connector trails in the Kelsey Notch area of Nash Stream Forest and recommended approval of a "pilot" trail and agreement; and

**WHEREAS**, the Division of Forests and Lands, pursuant to RSA 227-G, has the responsibility for the management of all state-owned forestlands, and to cooperate with the Division of Parks and Recreation in promoting recreational use of state-owned forestlands; and

**WHEREAS**, the Division of Parks and Recreation, pursuant to RSA 216-A:3, has the responsibility for recreation, development and management of state-owned parks and forests, and to cooperate with the Division of Forests and Lands in the joint promotion of forest recreation and forest management of state-owned forestlands; and

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**WHEREAS**, the CLUB is a recognized non-profit group by the State of New Hampshire that secures rights to designated ATV trails for its members and the public, and has a policy of closely patrolling and maintaining its trails to protect and preserve the landscape;

**NOW THEREFORE**, the parties hereto agree as follows:

- 1) The parties agree to work cooperatively in providing and maintaining, through environmentally sound action, a safe, functional, attractive and user-friendly ATV trail corridors (the "TRAIL") over existing ways known as "Kelsey Notch Road Trail" and "Kelsey Notch Connection Trail", on the PROPERTY, as depicted on an attached plan.
- 2) The STATE hereby grants to the CLUB, in cooperation and coordination with the STATE, the exclusive rights to operate, manage and maintain, and to promote responsible public use of the TRAIL under a "pilot" three (3) year term commencing from the effective date of the MOA, thru December 15, 2020, for the seasonal period of May 23rd after continuous snow cover has melted, until December 15th. If abutting lands close earlier the trail shall close on that date.
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  - weather conditions make the TRAIL unsuitable for ATV use;
  - public safety is endangered due to TRAIL conditions;
  - use of the TRAIL is resulting in degradation of surface waters;
  - damage to the TRAIL may occur due to heavy rain, mud, or other condition;
  - use of the Trail is resulting in unauthorized ATV use on the PROPERTY;
  - any other reason that is not immediately resolvable by the STATE and the CLUB;
  - loss of permission from abutters to cross their lands, thereby rendering the TRAIL inaccessible, and.
  - no reasonable alternatives are available when forest management activities require direct use of the TRAIL

- 8) In the event that the STATE must effect a planned closure of the TRAIL, the STATE shall give the CLUB no less than one (1) week notice prior to closure.
- 9) The CLUB shall obtain all necessary federal, state and local permits and approvals for projects done by the CLUB, and remain in compliance with and abide by the terms of said permits and approvals, and all federal, state, and local laws and regulations regarding new construction, maintenance and supervision of use upon the TRAIL.

#### **MONITORING TRAIL USE :**

In cooperation and consultation with the STATE, the CLUB agrees to monitor ATV usage on the TRAIL, and communicate with other users of the TRAIL, to promote public safety and reduce any possible negative environmental impact. The STATE and the CLUB agree to meet at least twice annually, before May 23 and within one month of the annual closing date, and more often at the request of either party, to discuss ATV use issues that may develop and to consider management options. The STATE, and its agents, reserves the right to access the TRAIL with persons and equipment at any time.

#### **LIMITATION OF LIABILITY :**

Nothing in the Memorandum of Agreement (MOA) shall be a basis for any liability on the part of the STATE with respect to personal injury or property damage sustained by any person. The STATE is entitled to the protections of RSA 508:14, RSA 212:34 and sovereign immunity. The Club shall defend and indemnify and save the State of New Hampshire harmless for any liability, damage, loss, cost or expense caused by the Club for injury to persons or property arising out of, or incidental to, the use of the TRAIL as herein permitted.

#### **COMPLIANCE WITH DEPARTMENTAL REGULATIONS AND POLICIES:**

The use of ATVs on the PROPERTY shall be in accordance with New Hampshire laws and the STATE'S rules and regulations pertaining to such use. For the purposes of this agreement the term ATV also includes UTVs. The term "ATV" and "UTV" are defined in RSA\_215-A: 1.

#### **NON-EXCLUSIVE USE:**

The TRAIL shall be open to the public for ATV use as defined in RSA 215-A:1 and shall not be limited to use by members of the CLUB.

#### **RESPONSIBILITIES OF THE CLUB:**

Annually the PLAN shall be prepared with the assistance of the Trails Bureau and submitted by December 1st, to the STATE. The PLAN shall include, but not be limited, to the following:

- TRAIL monitoring reports
- TRAIL maintenance reports
- Record of the previous year's maintenance activities to include hours of volunteer work and maintenance costs – both state-grant funded and other funding source activities;
- Routine maintenance activities

The PLAN shall be reviewed and approved by the Division of Forests and Lands and the Bureau of Trails within thirty (30) days of submission. Issues, if any, rendering the PLAN unacceptable, shall be resolved by the STATE and the CLUB before the TRAIL may be opened for the approaching season. The CLUB shall work cooperatively with the STATE to do such things as are reasonably necessary and practicable (including the use of gates, barriers and appropriate official signs) to keep ATV use on the TRAIL and to restrict access by vehicles other than ATVs. Any proposed work to the TRAIL by the CLUB shall not be permitted until all environmental permits are secure and copies are submitted to the Trails Bureau.

#### **RESPONSIBILITIES OF THE STATE :**

In cooperation with the CLUB, the TRAIL shall be adequately marked by the STATE in accordance with the "Trail Signing Handbook: Guidelines for Signing OHRV Trails" (State of New Hampshire, Department of Resources and Economic Development, Division of Parks and Recreation, Trails Bureau), or any successor standard, to indicate location of the TRAIL, to restrict ATV use to within the designated TRAIL corridor, and to restrict access by vehicles other than ATVs. All spur, side or connecting trails will be posted to indicate that ATV access and use thereon is prohibited.

#### **AMMENDMENTS:**

The MOA may be amended only in writing through mutual agreement by the STATE and the CLUB.

#### **TRANSFERABILITY:**

The CLUB, upon written approval from the STATE, may transfer its rights and responsibilities under the MOA to another qualified non-profit group if it is determined that the CLUB is no longer able or willing to abide by the terms and conditions of this MOA. In the event that this MOA is not transferred, the Commissioner of DRED shall make an assessment to determine whether to continue or not continue ATV use and TRAIL designation on the PROPERTY.

#### **TERMINATION:**

The STATE or the CLUB may terminate the MOA with a 30-day written notice to the other party, for any reason deemed appropriate by either party.

#### **DISPUTES:**

Prior to the filing of any formal proceedings with respect to a dispute, the party believing itself aggrieved shall call for progressive management involvement in the dispute negotiation by written notice to the other party. The parties shall use all reasonable efforts to arrange personal meetings and/or telephone conferences as needed.

If the dispute is not resolved informally, disputes may be resolved by filing an action in the Merrimack County Superior Court.

This AGREEMENT is to be construed according to the Laws of the State of New Hampshire.

**SIGNATURES:**

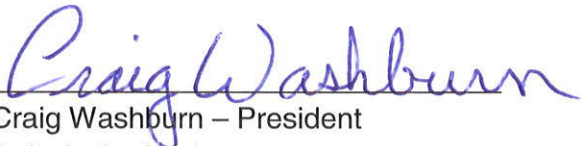
**“STATE” – New Hampshire Department of Resources and Economic Development**

By:  1/9/17  
Brad W. Simpkins, Director  
Division of Forests and Lands  
Date

By:  1-9-17  
Philip A. Bryce, Director  
Division of Parks and Recreation /  
Date

By:  1/9/17  
Jeffrey J. Rose, Commissioner  
Date

**“CLUB” – Metallak ATV Club**

By:  1-5-17  
Craig Washburn – President  
Duly Authorized  
Date

Approved as to form, substance and execution by the Office of the Attorney General:

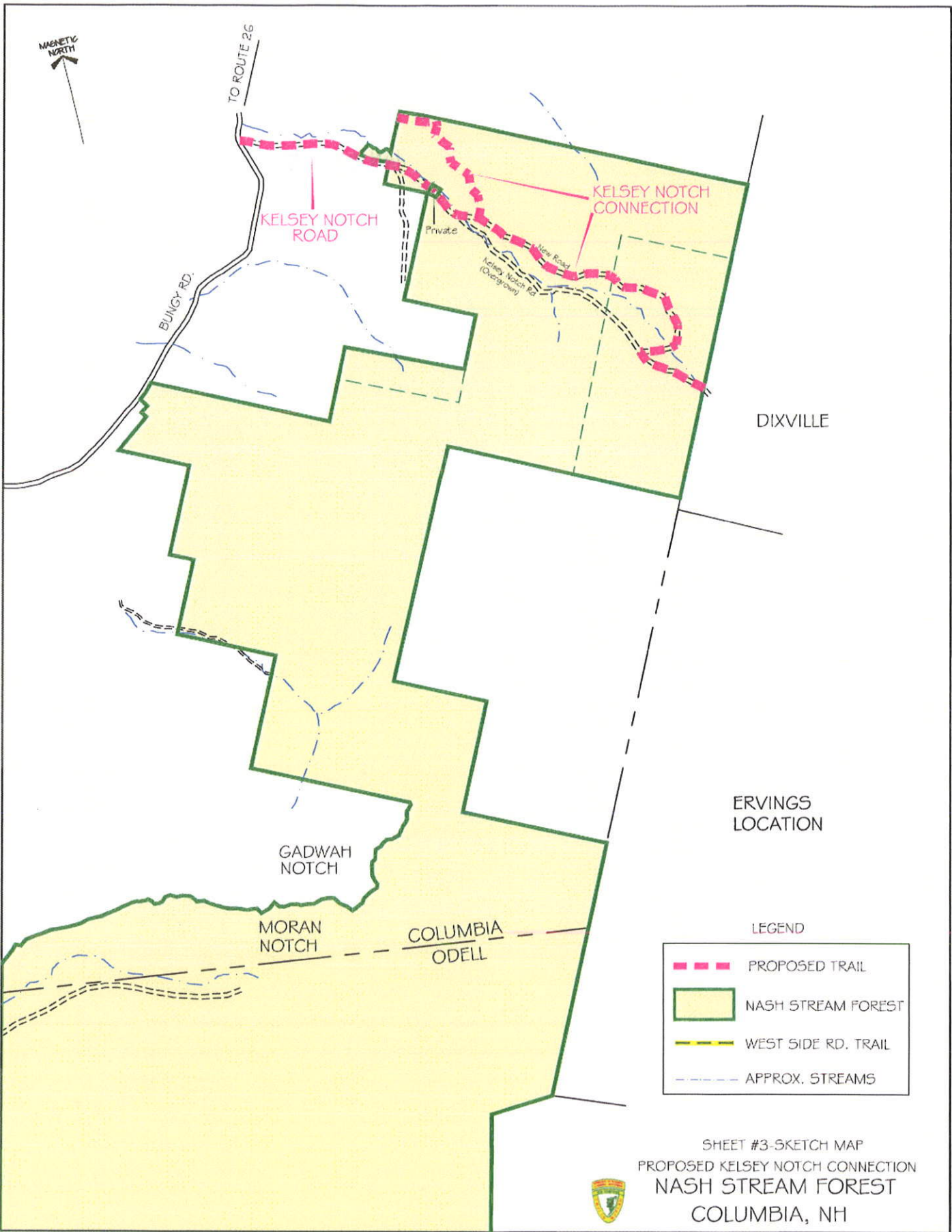
\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeanine Girgenti  
Assistant Attorney General

**Notices**

All notices pursuant to this MOA should be sent to the following parties;

Brad Simpkins, Director Forests and Lands 172 Pembroke Road Concord, NH 03302-1856	Margaret Machinist, North Region Forester Forests and Lands - North Region Headquarters 629B Main Street Lancaster, NH 03584-3612
Chris Gamache, Chief Supervisor NH Bureau of Trails 172 Pembroke Road Concord, NH 03302-1856	Craig Washburn, President Metallak ATV Club P.O. Box 318 Colebrook, NH, 03576
Nash Stream Forest Citizen Advisory Committee C/O Forests and Lands 172 Pembroke Road Concord, NH 03302-1856	Clint Savage, District 1 Supervisor NH Bureau of Trails 629B Main Street Lancaster, NH 03584-3612



MAGNETIC NORTH

TO ROUTE 26

KELSEY NOTCH ROAD

KELSEY NOTCH CONNECTION

Private

New Road

Kelsey Notch Rd (Overgrown)

BUNGY RD.

DIXVILLE

ERVINGS LOCATION

GADWAH NOTCH

MORAN NOTCH

COLUMBIA ODELL

LEGEND

- PROPOSED TRAIL
- NASH STREAM FOREST
- WEST SIDE RD. TRAIL
- APPROX. STREAMS

SHEET #3-SKETCH MAP  
 PROPOSED KELSEY NOTCH CONNECTION  
 NASH STREAM FOREST  
 COLUMBIA, NH



NASH1-APPROX CAMP LOCATION

RECEIVED

JAN 09 2017

D.R.E.D.



## APPENDIX H



STATE OF NEW HAMPSHIRE  
DEPARTMENT OF RESOURCES AND ECONOMIC  
DEVELOPMENT  
DIVISION OF PARKS AND RECREATION  
BUREAU OF TRAILS

### **NASH STREAM ATV TRAIL BASELINE NOISE TESTING RESULTS**

July 3, 2002  
By  
Chris Gamache  
Program Specialist



80" Test





Field News of West Side 17d - towards South

**Introduction:**

The baseline noise testing was performed to be able to answer noise issue questions, in regards to ATV use, on trails on DRED lands, specifically the Nash Stream Forest.

Many of the complaints against development of ATV trails on Public lands are the noise level associated with the All Terrain Vehicle. The intent of the testing is to establish a baseline decibel level for ATV use, compared with decibel levels of other vehicles and sources of noise on the Nash Stream Forest property.

**Methods & Equipment used:**

The sound testing was done using a Quest Electronics 208 Sound Level Meter. The sound meter was calibrated on July 1, 2002 using a Quest Model CA-12B Sound Calibrator, and calibration was reconfirmed on July 3, 2002.

The two tests performed for the baseline data were the 20" Tailpipe Test, which tests the Decibel level of the vehicles exhaust system when running at a predetermined RPM; and the Scale A Test which is a Decibel level test conducted from a distance of 50' from the vehicle.

Vehicles used for the 20" Exhaust test were: Polaris Sportsman 500 ATV, Polaris 6x6 500, Honda 350 ES ATV, Artic Cat 500 ATV and a 2002 Ford F350 Pick up truck.

Vehicles tested from a distance of 50' included all of the above, except for the Artic Cat ATV (it had a backhoe attachment on it). We also tested the decibel level of the Nash Stream itself, from a distance of 25', a locomotive with one freight car, from a distance of 100' and a car and tractor trailer on Route 3 in N. Stratford, NH.

All of the test results are on the attached graph, showing date, time, weather, vehicle used and the decibel readings at the above-mentioned distances and certain speeds (in MPH).

**Environment:**

The field tests were performed on Tuesday, July 2, 2002 between 11:00 AM and 2:00 PM. The Polaris ATVs and the Ford P/U were tested in the field at the north end of the West Side Road, in Nash Stream. The Nash Stream decibel reading was taken from the bridge over Nash Stream at the south entrance to West Side Road and the readings from the Honda and Artic Cat ATVs, locomotive, car and tractor-trailer were all taken at Burns Truck Stop on Route 3, in N. Stratford, NH.

The weather on July 2, 2002 was hazy, hot and humid with the temperature over 85 degrees F, humidity over 70% and a 0-10 mph wind out of the south.

**Testers:**

Paul Gray, Chief, NH Bureau of Trails and Chris Gamache, Program Specialist, NH Bureau of Trails, performed all of the noise data collection and testing.



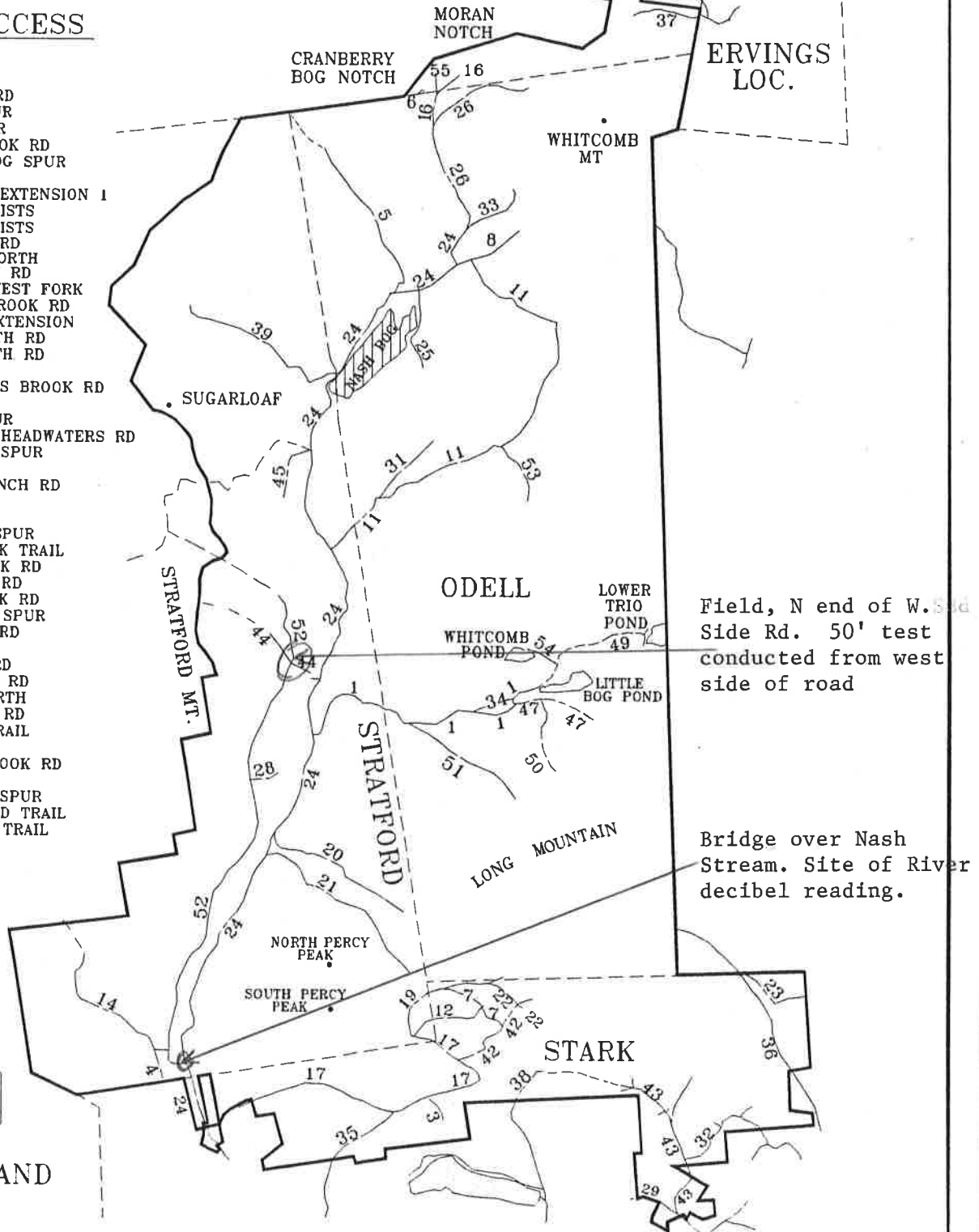
# NASH STREAM FOREST



## COLUMBIA

### ROADS AND ACCESS

ID	MILES	NAME
1	3.3	14 1/2 ROAD
2	0.3	BUNGY SPUR RD
3	0.4	CHRISTINE SPUR
4	0.3	CLOUTIER SPUR
5	1.7	COLUMBIA BROOK RD
6	0.2	CRANBERRY BOG SPUR
7	0.7	CROSS RD
8	0.6	EAST BRANCH EXTENSION 1
9	—	NO LONGER EXISTS
10	—	NO LONGER EXISTS
11	4.8	EAST BRANCH RD
12	0.9	JIMMY COLE NORTH
14	1.6	FARRER BROOK RD
16	0.7	HEADWATERS WEST FORK
17	4.2	JIMMY COLE BROOK RD
19	1.2	JIMMY COLE EXTENSION
20	1.7	LONG MT NORTH RD
21	2.0	LONG MT SOUTH RD
22	0.9	LOW RD
23	0.6	LOWER PHILLIPS BROOK RD
24	11.1	MAIN RD
25	0.9	NASH BOG SPUR
26	2.3	NASH STREAM HEADWATERS RD
27	0.4	NASH STREAM SPUR
28	0.5	NORTH RD
29	0.8	OLD EAST BRANCH RD
32	1.0	PIKE POND RD
33	0.7	PIKE'S WORK
34	0.4	POND BROOK SPUR
35	0.9	ROARING BROOK TRAIL
36	1.2	ROBERTS BROOK RD
37	0.8	ROCKY BROOK RD
38	0.6	ROWELLS BROOK RD
39	2.0	SILVER BROOK SPUR
40	1.3	SIMMS BROOK RD
42	1.1	SOUTH RD
43	1.6	STARK DUMP RD
44	0.9	STRATFORD MT RD
45	0.7	WEST SIDE NORTH
47	0.9	TRACY'S CAMP RD
49	1.4	TRIO PONDS TRAIL
50	0.8	UPSOUTH RD
51	1.3	WATERHOLE BROOK RD
52	5.3	WEST SIDE RD
53	0.6	WHITCOMB MT SPUR
54	0.4	WHITCOMB POND TRAIL
55	0.2	MORAN NOTCH TRAIL



ERVINGS LOC.

Field, N end of W. Side Rd. 50' test conducted from west side of road

Bridge over Nash Stream. Site of River decibel reading.

THIS PLAN HAS BEEN UPDATED BY THE STATE OF NEW HAMPSHIRE DEPT. OF RESOURCES AND ECONOMIC DEV. 1996

NORTHUMBERLAND





## Model Off-Highway Sound Test RPM Data Update

Supplement to MIC Stationary Sound Test Manual for Off-Highway Motorcycles and ATVs

ARCTIC CAT ATVs					BOMBARDIER ATVs				
Engine Size (in cc)	Model	Engine Prefix	Test RPM		Engine Size (in cc)	Model	Engine Prefix	Test RPM	
			2001	2002				2001	2002
90	90 2x4	JA90		3500	500	Traxter Models - All	Rotax 511	3125	3125
250	250 2x4	J432	3750	3750	500	Quest 500	Rotax 514		3700
	250 4x4	J433	3750	3750	650	DS Model - All	Rotax 654	3250	3250
300	300 2x4	K411	3500	3500	650	Quest 650, XT	Rotax 610		3525
	300 4x4	K412	3500	3500					
375	375A 2x4	K424		3250					
	375A 4x4	K425		3250					
400	400 2x4	K408	3500	3500					
	400 4x4	K413	3500	3500					
500	500A 4x4	M408	3000	3000					
	500M 4x4	M406	3000	3000					

HONDA MOTORCYCLES					HONDA ATVs				
Engine Size (in cc)	Model	Engine Prefix	Test RPM		Engine Size (in cc)	Model	Engine Prefix	Test RPM	
			2001	2002				2001	2002
50	XR50R	AE03E	4250	4250	90	TRX90	TE18E	3750	3750
70	XR70R	DE02E	4000	4000	250	TRX250	TE06E	3250	
80	CR80R*	HE04E	6250	6250		TRX250EX	TE27E		3500
	CR80RB*	HE04E	6250	6250	TRX250TM/TE	TE21E		3250	
	XR80R	HE01E	5000	5000	300	TRX300EX	TE19E	3500	3500
100	XR100R	HE03E	4750	4750	350	TRX350FM/FE	TE25E	3250	3250
125	CR125R*	JE01E	5750	5750		TRX350TE/TM	TE24E	3250	3250
200	XR200R	ME04E	4000	4000	400	TRX400EX	TE23E	3500	3500
250	CR250R*	ME03E	4000	4000		TRX400FW	TE20E	3000	3000
		XR250R 49S	ME06E	3500	3500	450	TRX450ES	TE22E	3125
	XR250R CA	ME06E	4000	4000	TRX450FM/FE		TE22E		3125
400	XR400R	NE03E	3750	3750	TRX450S	TE22E	3125		
450	CRF450R*	PE053		4500	500	TRX500FA	TE26E	3250	3250
650	XR650L	RD06E	3000	3000					
	XR650R	RE01E	3250	3250					

\*Denotes closed course competition.

May 31, 2002

\*\*\*\*\* Cut on line above and fold in half. Attach to back of Sound Test Manual. \*\*\*\*\*

KAWASAKI MOTORCYCLES					KAWASAKI ATVs				
Engine Size (in cc)	Model	Engine Prefix	Test RPM		Engine Size (in cc)	Model	Engine Prefix	Test RPM	
			2001	2002				2001	2002
60	KX60-B16, B18*	KX060BE	6000	6000	220	KLF220-A14/L, A15/L	LF220AE	3750	3750
65	KX65-A2, A3*	KX065AE	6000	6250	250	KSF250-A15/L, A16/L	SF250AE	4000	4000
85	KX85-A1, A2*	KX085AE	6000	6000		KLF250-A1/L	LF250AE		3500
100	KE100-B20	G5E21	3750		300	KEF300-B1, B2	EF300AE	3500	3500
	KX100-D1, D2*	KX100CE	5750	5750		KLF300-B14/L, B15/L	LF300AE	3250	3250
110	KLX110-A1	LX110AE		3500		KLF300-C13/L, C14/L	LF300AE	3250	3250
125	KX125-L3, L4*	KX125LE	5750	5625		KVF300-A3, A4	VF300AE	3500	3500
200	KDX200-H7, H8	DX200HE	4000	4000		KVF300-B3, B4	VF300AE	3500	3500
220	KDX220-A8, A9	DX220AE	3750	3750	360	KVF360-A1	VF360AE		3500
250	KL250-D18/L, D19/L	KL250DE	4250	4250	400	KVF400-C3, C4	VF400AE	3250	3250
	KL250-G5, G6	KL250GE	4000	4000		KVF400-D3, D4	VF400AE	3250	3250
	KX250-L3, L4*	KX250LE	4250	4250	650	KVF650-A1	VF650AE		3250
300	KLX300-A6/L, A7/L	LX300AE	3500	3500					
500	KX500-E13, E14*	KX500BE	3500	3500					
650	KL650-A15/L, A16/L	KL650AE	3250	3250					
KTM ATVs					POLARIS ATVs				
Engine Size (in cc)	Model	Engine Prefix	Test RPM		Engine Size (in cc)	Model	Engine Prefix	Test RPM	
			2001	2002				2001	2002
50	50 Mini Adventure*	450	4800	4800	50	Scrambler 50	AR03-01	3750	3750
	50 Jr/Sr Adventure*	450	4800	4800	90	Scrambler 90	AR07-01	3750	3750
	50 SX Pro Junior*	450	4800	5100		Sportsman 90	AR07-01	3750	3750
	50 SX Pro Senior*	451	5100	5100	250	Trail Blazer	EC25PFE15	3000	3000
65	65 SX*	460	4750	4750		Xplorer 4x4	EC25PFE15	3000	3000
125	125 SX*	503	5600	5600	325	Magnum 325 2x4	ES32PFE08	3000	3000
	125 EXC*	503	5200			Magnum 325 4x4	ES32PFE08	3000	3000
200	200 EXC*/MXC*	523	4000	4000		Trail Boss	ES32PFE09	3000	3000
250	250 SX*/EXC*	546	3750	3750		Xpedition 325	ES32PFE03	3000	3000
	250 MXC*	546	3750		400	Xplorer 400	EC38PLE10	2750	2750
300	300 EXC*/MXC*	547	3550	3550		Scrambler 400 2x4	EC38PLE09	3000	3000
380	380 SX*/MXC*	547	3550	3550		Scrambler 400 4x4	EC38PLE09		3000
	380 EXC*	547	3550		425	Sportsman 400	EH42PLE05	3000	3000
400	400 SX*/EXC* Racing	595	4625	4625		Xpedition 425	EH42PLE04	3000	3000
	400 MXC* Racing	595	4625	4625	500	Magnum 500	EH50PLE08	3000	3000
	400 LC4	575	3500			Magnum 500 RMK	EH50PLE08	3000	3000
520	520 SX*/EXC*/MXC*	590	4600	4600		Scrambler 500 2x4	EH50PLE12	3250	3250
640	LC4/LC4 ADV R	584	3450	3450		Scrambler 500 4x4	EH50PLE12	3250	3250
	LC4 Supermoto*	584	3450	3450		Sportsman 500 HO	EH50PLE13	3150	3150
						Sportsman 6x6	EH50PLE10	3000	3000
						Diesel	DW46PLE02	2000	2000
					700	Sportsman 700	EH68ALOE1		3000

\*Denotes closed course competition.

May 31, 2002

\*\*\*\* Cut on line above and fold in half. Attach to back of Sound Test Manual. \*\*\*\*



SUZUKI MOTORCYCLES				
Engine Size (In cc)	Model	Engine Prefix	Test RPM	
			Model Year 2001	Model Year 2002
50	JR50	A102	2500	2500
80	DS80/JR80	C106	3750	3750
	RM80*	D106	6125	
85	RM85*	D107		6000
125	RM125*	F113/F114/F134	5750	5750
200	DR200/DR200SE	H401/H402	4250	4250
250	DR-Z250K	J428	4000	4000
	RM250*	J115/J119	4000	4000
400	DRZ400/E	K416/K417	4000	4000
	DRZ400S/E	K419	3750	3750
650	DR650SE	P403/P407/P409	3250	3250

SUZUKI ATVs				
Engine Size (In cc)	Model	Engine Prefix	Test RPM	
			Model Year 2001	Model Year 2002
50	LT-A50	A110		2500
80	LT80	C113		3500
160	LTF160	G402		4000
250	LT-F250F	J413	3750	3750
	LT-F250	J417/J434	3500	3500
300	LT-F300F KING QUAD	K403	3500	3500
400	LT-A400/F EIGER	K420/K421		3250
	LT-F400/F EIGER	K422/K423		3500
500	LT-F500F	M405/M407	3000	3000
	LT-A500F VINSON	M409		3000

YAMAHA MOTORCYCLES				
Engine Size (In cc)	Model	Engine Prefix	Test RPM	
			Model Year 2001	Model Year 2002
50	PW50	3PT	3750	3750
80	PW80	3RV	3750	3750
	YZ80*	4ES	6000	6000
85	YZ85*	B111E	6000	6000
90	TTR90	B301E	3500	3500
125	TTR125	E309E	4000	4000
	YZ125*	E112E	5750	5750
200	TW200	3AW	3500	3500
225	TTR225	G304E	3750	3750
	XT225	4BE	4000	4000
250	TTR250	G307E	3750	3750
	WR250F	G322E	6500	6500
	YZ250*	G106E	4250	4250
	YZ250F*	G321E	5250	5250
426	WR426F	H309E	4250	4250
	YZ426F*	J308E	4500	4500

YAMAHA ATVs				
Engine Size (In cc)	Model	Engine Prefix	Test RPM	
			Model Year 2001	Model Year 2002
80	YFM80	4EM/B302E	3750	3750
125	YFA1	3FA/E307E	3750	3750
200	YFS200	3JM	3500	3500
250	YFB250FW	4KD	3500	3500
	YFM250	G302E	3500	3500
350	YFM350FX	H306E	3500	3500
	YFM350X	3GD	3500	3500
	YFZ350	3GG	3750	3750
400	YFM400FWA	J304E	3500	3500
	YFM400A	J305E	3500	3500
	YFM400N	H312E	3500	3500
	YFM400FWN	H310E	3500	3500
600	YFM600FWA	J303E	3500	3500
660	YFM660R	M301E	3250	3250
	YFM660FWA	M302E	3125	3125

\*Denotes closed course competition.

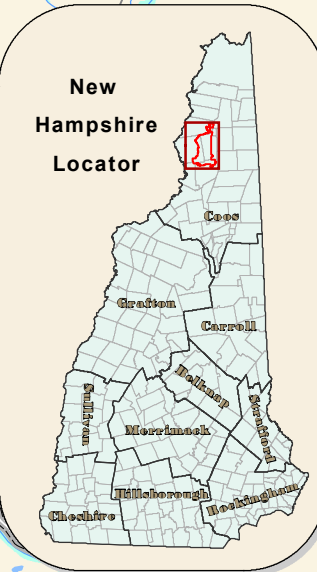
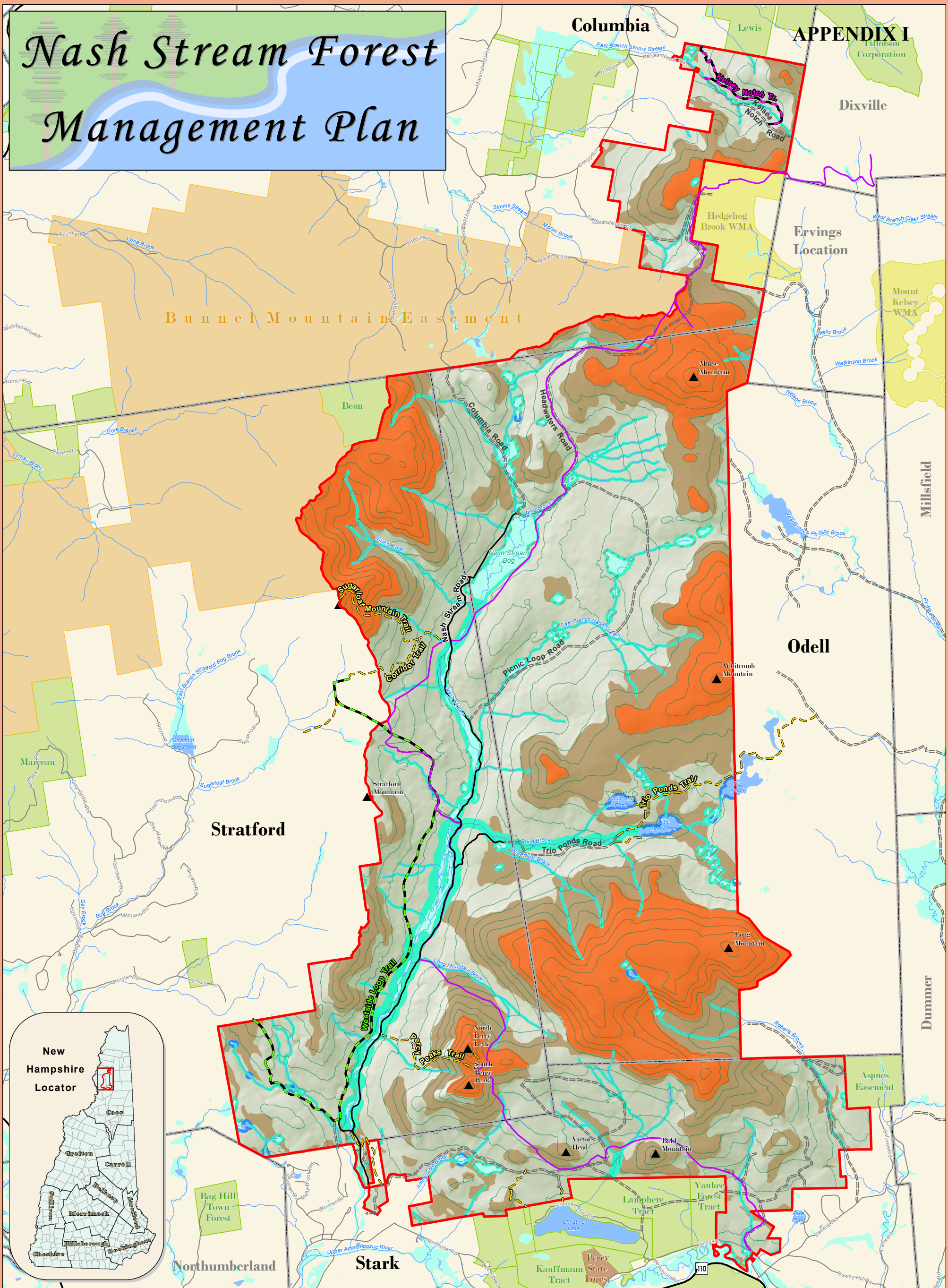
May 31, 2002

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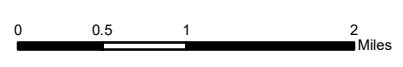


# Nash Stream Forest Management Plan

APPENDIX I  
Tillotson Corporation



- |                           |   |                                       |
|---------------------------|---|---------------------------------------|
| Westside Loop Trail       | Nash Stream Forest Property Boundary                          | Town Boundaries                       |
| Kelsey Notch Trail        | Department of Resources and Economic Development (DRED) Lands | Rivers and Streams                    |
| The Cohos Trail           | DRED Conservation Easement Lands                              | Waterbodies                           |
| Trail                     | New Hampshire Fish and Game Lands                             | Wetlands (National Wetland Inventory) |
| Woods Road                | Other Conserved Lands   | Peaks                                 |
| <b>ATV Analysis</b>       |   | Local Roads                           |
| Rivers and Streams Buffer |   | Main Access Road                      |
| Waterbodies Buffer        |   | State Routes                          |
| Wetlands Buffer           |   |                                       |
| IIA and IIB Soils         |   |                                       |
| Elevations above 2,700 ft |   |                                       |



## ATV Analysis

**Notes:** All Buffers and Areas filtered based on the 215-A-43 Evaluation Process.

**Waterbodies and Wetlands:** Buffers include a 200 foot buffer around all waterbodies (National Hydrologic Dataset), a 200 foot buffer around all wetlands (National Wetland Inventory).

**Soils:** Both IIA and IIB soils were included from the NRCS SSURGO dataset.

**Elevation:** Areas above 2,700 feet calculated using the statewide 10M DEMs.

**Rivers and Streams:** Includes a 100 foot buffer around 1st and 2nd Order streams, a 330 foot buffer around 3rd Order streams, and a 600 foot buffer around 4th Order streams or higher. Data taken from the National Hydrologic Dataset.



Data Sources:  
NH GRANIT Digital Data (1:24,000)  
NH Department of Transportation  
DRED Forests & Lands

DRED makes no representations or guarantees to the accuracy of the features and designations of this map.

Map Produced by GIS Service  
DRED Forests & Lands.  
Contact: Derek.Serach@dred.nh.gov;  
Ph: (603) 227-8741

This map is for planning purposes only. It is not to be used for legal boundary determinations or for regulatory purposes.



**To:** Clinton Savage, NH Trails Bureau  
629B Main Street  
Lancaster, NH 03584

**Date:** 9/1/2016

**From:** NH Natural Heritage Bureau

**Re:** Review by NH Natural Heritage Bureau of request dated 9/1/2016

VALID ONLY FOR NOTIFICATION OR MINIMUM EXPEDITED APPLICATIONS SUBMITTED TO  
THE NHDES WETLANDS BUREAU

NHB File ID: NHB16-2712

Applicant: Clinton Savage

Location: Tax Map(s)/Lot(s): Site 1: Map 425 Lot 0002 Site 2: Map 421 Lot  
0020  
Columbia

Project Description: Site 1 (easterly): Installing an 18"x30' culvert. Site 2:  
Replacing 24"x30' culvert in kind.

The NH Natural Heritage database has been checked for records of rare species and exemplary natural communities near the area mapped below. The species considered include those listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We currently have no recorded occurrences for sensitive species near this project area.

A negative result (no record in our database) does not mean that a sensitive species is not present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

This report is valid through 8/31/2017.





MAP OF PROJECT BOUNDARIES FOR NHB FILE ID: NHB16-2712

