

**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**

Kelsey Notch ATV/UTV Trail

**APPENDIX P**

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

<b>Deed Restrictions</b>	<b>Comments</b>
Are there any deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs on the property? <b>RSA 215-A:43I(a)</b>	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.  The Council met on 12/8/2016 and issued detailed findings regarding ATV/UTV use in Nash Stream <b>(Appendix A)</b>  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>
<b>Environmental</b>	<b>Comments</b>
A property is not suited for ATV use if 90% or more of the entire property consists of any of the following: <b>RSA 215-A:43I(b)</b>	
Has the New Hampshire Natural Heritage program identified the area as an "exemplary natural community?" <b>RSA 215-A:43I(b)(1)</b>	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>
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 215-A:43I(b)(2)</b>	Based upon the work of F&G Wildlife Biologist (Jill Kilborn) and researchers (Alexej Siren), it is known that American marten are found throughout this area.  The area is considered high quality marten habitat. However, it is the opinion of F&G Biologist Will Staats, that this one trail

	<p>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 215-A: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.
<b>Property Size and Configuration</b>	<b>Comments</b>
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.
<b>Purpose of Acquisition (POA)/ Existing Management Plan</b>	<b>Comments</b>
<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</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, Department of Resources and Economic Development (DRED)'s Acting Commissioner Philip Bryce allowed for the Kelsey Notch ATV trail as an</p>

<p>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>additional pilot trail at Nash Stream.</p> <p>ATV use not addressed in POA documents. The United States Forest Service (USFS) and CORD have helped clarify this issue.</p>
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<b>Purpose of Acquisition (POA)/ 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>There is a management plan for the property which allows limited trail riding on the West Side of Nash</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 from the project proposal fine filter process. The decision to enter into plan revision is made at the agency administrative level.	Stream. The Kelsey Notch Trail was started as a pilot project by DRED's Acting Commissioner Philip Bryce after a review by CORD in 2013. DRED continues to work with CORD and the Nash Stream Citizen's Committee in this regard.
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### Fine Filter Criteria (RSA 215-A:43 II (a)-(y))

Compatibility, Local Ordinances/Deed Restrictions	Comments
The trail is supported by an organized trail club.	There is an MOA with F&G ( <b>Appendix F</b> ) and an MOA with the Metallak ATV Club that is renewed every 3 years ( <b>Appendix G</b> ).
The proposal is designed to ensure that ATVs on the trail will comply with the maximum decibel limit established by law.	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> ).

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Compatibility, Local Ordinances/Deed Restrictions	Comments
Adequate parking exists or will be developed ("adequate" matches # of expected riders, may be a design criterion.)	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 (**Appendix 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-A:43, II(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> ).
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Trail layout incorporates existing motorized travel corridors whenever possible, excluding Class I through Class V highways.

The trail is located on an existing gravel woods 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	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

development whenever possible.	<p>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.</p> <p>The condition before the trail opened was a locked gate with little to no traffic.</p>
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Trail does not pass through the “Sanitary Protective Area” (Env-Ws 378.06) of a community groundwater supply.  
Trails are not located on earthen dams, dikes, and spillways.

There are no public wells or sanitary protective areas within jurisdiction of this trail

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.

Trail avoids elevations over 2700 feet.

Stream crossings built to DES permit specifications and current version of Best Management Practices (BMP).

Trail does not travel above 2700 feet in elevation, per GIS analysis. ATV Analysis map (**Appendix I**)

Trail avoids construction within 200	To minimize impacts to undisturbed
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feet of any water body, forested or non-forested wetland, or vernal pool. Existing roads or surface condition may be used if within buffer	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 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  A TVs.

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 trees, 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 There are no known heron rookeries. wetlands containing heron rookeries.

<b>Safety (RSA 215-A:43, II, (z)-(cc))</b>	<b>Comments</b>
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. The snowmobile trail was built as a new route for Corridor Trail 7. During construction, the potential for future ATV use was taken into consideration. The trail was built with ditch lines on both sides, a gravel surface 10' wide. It was built to existing BMP standards and could accommodate wheeled traffic. The trail was built with a gravel base to allow for continued future maintenance.
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 (Appendix F)

### **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.

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### **STATEMENT OF CONFORMANCE TO COARSE AND FINE FILTER CRITERIA**

At the date of signing, the following representatives hereby have determined that the proposed trail titled Kelsey Notch Pilot ATV Trail meets the coarse and fine filter requirements as set forth in RSA 215-A:43:

Date Jeffrey J. Rose Commissioner

Department of Resources and Economic Development

Date Glenn Normandeau Executive Director

New Hampshire Fish and Game Department

Date Brad W. Simpkins Director

DRED – Division of Forests and Lands

Date Philip A. Bryce Director

DRED – Division of Parks and Recreation

Date Chris Gamache  
Chief, Bureau of Trails

DRED – Division of Parks and Recreation

Date William Guinn  
Administrator, Forest Management Bureau

DRED – Division of Forests and Lands