

January 7, 2022

Commissioner Stewart,

There is no date on the Stockinger to Eri letter. The request by the state referenced in the USFS ATV Deed document is not included.

Tom Wagner, former WMNF employee, when queried in 2001 about the legality of permitting ATV use in Nash stream wrote:

“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.”

(USFS ATV Deed)

All the ATV trails in Nash Stream provide “through travel.”

In 2002 the Nash Stream ATV Study Subcommittee made a verbal report to the Nash Stream Citizen’s Committee. **The ATV Study Committee rejected the “interior trail”** allowed without approval from the Forest Service, and **recommended a “connecting trail”** providing the **through travel** that would require Forest Service permission:

Report of the ATV Study Subcommittee

The committee met once for approximately 1.5 hours. There was no interest in having a second meeting. Initially 2 trails were under consideration, a connecting trail “West Side Trail” and a larger, self-contained interior trail. The committee felt it was premature to consider the interior trail and concentrated on the connecting trail. The committee felt the West Side Trail could be put in service as an ATV trail with little work. There is a section that will need to be rerouted around a beaver flowage but the majority of the proposed trail runs along an existing trail, a portion of which is an old gravel-based road. Two of the committee members voted against this project, the remainder of the committee members voted in favor of moving forward with development of this trail as a pilot ATV trail project. The length of the trail segment that will be on Nash Stream is approximately 7 miles and would connect existing ATV trails on private land.

The latest management plan confirms this trail status:

“All-Terrain Vehicle (ATV) and Utility Task Vehicles (UTV)

West Side Trail: Currently, about nine miles of trail are available for **pass-through ATV and UTV travel** utilizing the Bordeaux Trail, the West Side Road, and Andritz Trail. A memorandum of agreement (MOA) exists between the North Country ATV Club and the NH Bureau of Trails.

Kelsey Notch Trail (provisional): An additional four miles of trail in the north of Nash Stream Forest are also available for **pass-through ATV and UTV travel** from Route 26 through Kelsey Notch, north to Millsfield and south to the Bungy Road toward Columbia pass. This Connector trail is part of the "Ride the Wilds" trail system and is maintained by the Metallak ATV club through an MOA with the NH Bureau of Trails."

In 2015, at a Nash Stream Citizens Committee meeting "Wink Lees questioned how the conservation easement is overseen by the U.S. Forest Service and if ATV's should be allowed by what's written in it. Maggie (Machinist, DF&L) explained that **the Forest Service is not very involved.**"

The Forest Service was not asked to be involved.

Kris Pastoriza

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