

Dear Director Mason,

according to CORD draft minutes for their September 24<sup>th</sup>, 2020 meeting, at which the Kelsey Notch Pilot ATV Trails were addressed:

“Ms. Modigliani agreed about postponing any formal opinion, and further agreed that consulting with legal counsel before such a decision would be helpful. She then asked if Fish and Game requested additional time for the pilot program to get more information because of the change in personnel? Director Mason responded that to the best of his knowledge, no.”

However, in your submission to CORD, you wrote:

“The Fish and Game Department concurs with the NH Bureau of Trail’s (sic) recommendation to continue the pilot period while additional information is gathered. As the new Executive Director of the Department, whose staff and resources are significantly impacted by a CORD decision, I would like additional time to understand the issue both from law enforcement and resource conservation perspectives. Our Region 1 biologist, who is also new to his position and who is named in the NHFG-DNCR MOA as someone who will provide input to the annual environmental compliance report to CORD also needs time to get better apprised of the issue and perform site visits to evaluate the trail. Although not named in the MOA, our Fish Habitat Biologist or Region 1 Fish Biologist should also assist with annual assessments as a primary concern is sedimentation into nearby perennial streams and impacts to fisheries.”

It is concerning that feel your failure to prepare for this meeting is an adequate reason for extending the trial period for this controversial trail. You and your new personnel could have consulted with your existing personnel; John Magee, (Fish Habitat Biologist) and Jim Oehler (Habitat Biologist) as well as Maggie Machinist (Regional Forester, DF&L), read the relevant correspondence between F&G, DNCR, and DF&L, and gained an understanding of the Kelsey Notch Pilot ATV Trails sufficient to make a recommendation that they be closed due to their clear failure to meet the trial conditions.

Many people feel that you were chosen by Governor Sununu to head Fish and Game in part because you support ATV trail development in Coos:

**Motion: Mason motions to open the West Side Trail for ATV use and amend Nash Stream Management Plan as necessary. King seconds.**

Discussion: King says decision is up to Commissioner Bald.

Frizzell feels this motion is not necessary.

Goulet feels the motion is inappropriate.

Mason feels King is being nice, he thinks legislature is saying to agencies; get off your duff and open Nash Stream to public use. Asks Lanier what his concerns about ATV use are.

(Nash Stream Citizens’ Committee minutes, 2/13/2002)

The opening of Nash Stream State Forest to ATVs undermined law, the management plan, the Vision, public confidence in DRED/DNCR, traditional uses, and the terrain.

In 2002 Dave Publicover and Peter Benson submitted a minority report to Phil Bryce, Tom Miner and the Nash Stream Citizens' Advisory Committee:

“It is our opinion that the Study Committee failed to adequately complete its assigned task, and produced no information that would help to advance an informed dialogue on the issue of ATVs in Nash Stream Forest. The charge to the Study Committee was laid out in a memo from Phil Bryce dated December 3, 2001: “The purpose of the Study Committee is to conduct an *in depth* analysis of the issues surrounding the establishment of ATV trails on state lands by evaluating a specific proposal.” (italics added). The issue of ATVs on public lands is a highly contentious and complex issue. The Study Committee held only a single 90-minute public meeting, which was not sufficient to identify or review the complexities of this important topic. In no way did the Committee’s work represent the in depth analysis called for by Director Bryce.”

In 2013 Jim Oehler, State Lands Habitat Biologist, in a report to DRED wrote:

“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.”

In 2014, NSFCC minutes stated “The West Side Road is under construction to fix water bars to control run-off on the ATV trail.”

In 2016, 500’ of the 50 year old West Side Road had to be relocated due to ATV use leading to erosion and instability.

In a 2016 letter to Glenn Normandeau, John Magee wrote:

“The Technical Team responsible for writing the Nash Steam Forest Management Plan visited the Kelsey Notch Trail in November 2015. I was disappointed to see the road erosion problems on this trail and the resulting truckloads of sediment that were obviously entering the perennial streams there. This is the direct result of a lack of suitable erosion control on this OHRV trail. My understanding is that there is supposed to be in place a signed agreement between DRED and the OHRV club that states the monitoring required and timelines for restoration work to preclude such erosion issues. However, no such agreement has been sent to the Technical Team. We were told during our November 2015 visit that DRED Bureau of Trails staff would speak with the local OHRV club to get the club to fix the erosion problems. My understanding is that some work was done in 2016, but that the erosion issues may be even worse now because the needed work still has not been done. Therefore, it seems that this trail should be closed until a solid, signed agreement is in place and the erosion problems are fixed. Furthermore, the agreement should include details about how often

and when assessments will be done and by when erosion issues will be fixed. Again, the sediment coming off this road and entering perennial streams is tremendous.”

On August 1, 2016, Will Staats (F&G) wrote to Glenn Normandeau:

“Earlier this year a straw vote was taken where most tech team members had strong reservations about any further ATV trail development in the forest. There also continue to be questions surrounding the issue of allowing any ATV trails in the Nash Forest and whether or not this recreational activity fits with the Vision. SPNHF, TNC and AMC have raised concerns over the legitimacy of ATVs on Nash and have also questioned the approach used to review trail proposals.”

In 2016, John Magee wrote to Glenn Normandeau:

“If any Ride the Wilds trail is connected to the West Side trail, especially if the intent is to make it part of a larger Ride the Wilds loop, it is likely that the OHRV use on the West Side Trail will increase dramatically. From my many hours walking in the mainstem of Nash Stream, a dramatic increase in OHRV traffic will certainly negatively impact the angling experience in Nash Stream. This would be particularly unfortunate given that NH Fish and Game, DRED-Division of Forests and Land and Trout Unlimited have spent more than 10 years and \$1.3 million restoring Nash Stream and its tributaries specifically for angling for wild brook trout. This is literally one of the largest stream restoration projects in the northeast. Over the years, I have heard from the mainstem of Nash Stream, OHRVs on the West Side trail, when when they are several hundred feet away. Most anglers that fish the part of Nash Stream near the West Side Trail do so for the overall experience of being away from multitudes of cars, dwellings, OHRVs and other human activities. That experience will surely be impacted by the increased OHRV use that any Ride the Wilds connector trail would bring.”

In 2017 Dayton Goudie commented:

“Some will say that ATV use within the Forest does not diminish other uses. As a hiker and a fisherman I can attest that I have heard them and I have seen their erosive effects.”

In 2017 the Metallak ATV Club received a grant from DNCR for \$10,000.00 of crushed gravel (40 loads) and \$400. of screened gravel (4 loads) to be spread on the Kelsey Notch Pilot Trails.

In 2018 they received a grant from DNCR for \$15,650.00 to add gravel to the Kelsey Notch Pilot Trail, ditch it and “fix” it.

In 2019 they received a grant from DNCR for nine dump truck loads of screened gravel (\$900.) to be put on the Kelsey Notch Pilot Trails. This means that more than 40 loads of gravel have been blown off the “trails” by ATVs. This is abuse.

In 2019, Will Guinn, Administrator of the Forest Management Bureau, wrote to Sarah Stewart and Brad Simpkins:

“A stable cover of grasses and vegetation...used to be present on the entire Westside trail prior to the use of OHRVs.”

You need to read the documents and reconsider your position on ATVs in Nash Stream, and Ride the Wilds.

In 2018: Fish and Game officers spent 12,029 hours and 3,109 overtime hours enforcing snowmobile and ATV laws. They checked 55,000 vehicles and issued 927 summonses and 882 warnings.

In 2019 Fish and Game officers spent 11,735 hours and 3,168 overtime hours enforcing snowmobile and ATV laws. They checked 19,498 vehicles and issued 1064 summonses and 848 warnings.

Despite this there are repeated complaints on the Ride the Wilds Facebook page of inadequate patrolling of the ATV trails.

Perhaps enforcing ATV speed limits while inhaling dust, and being subjected to ATVs at 96 decibels is not the work Fish and Game Conservation Officers were meant to be doing.



The incessant demand for these Conservation Officers to serve as ATV police is diminishing the time they have for their traditional jobs as guardians of New Hampshire’s Fish, Wildlife and Marine resources.

Recreational ATV use has no place in an ever-warming world of fish and game.

Kris Pastoriza  
Easton, NH  
10/2/2020