

## **MEMORANDUM OF UNDERSTANDING**

**between  
NH Fish and Game Department  
and  
NH Department of Natural and Cultural Resources, Bureau of Trails  
and  
NH Department of Natural and Cultural Resources, 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 Natural and Cultural Resources (DNCR) 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 DNCR, 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 (CORD) 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, DNCR - Bureau of Trails is responsible for the coordination between DNCR - 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 DNCR - 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, DNCR 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;

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

Whereas, at the conclusion of the three-year Kelsey Notch ATV Trail Pilot, CORD held multiple meetings and received public input regarding the future of the Kelsey Notch ATV Trail;

Whereas, pursuant to their January 14, 2021 meeting, CORD voted to grant the request of DNCR to extend the pilot for two (2) additional years to study OHRV use in the Kelsey Notch Trail, as long as the existing conditions of CORD's 2016 findings continue to be met and with the caveat that CORD would be subsequently discussing additional annual reporting requirements; and

Whereas, at its March 11, 2021 meeting, CORD voted to require additional reporting requirements for the DNCR's annual Kelsey Notch reports, which are incorporated into this updated Memorandum of Understanding.

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

1. NHF&G will enforce state laws, primarily RSA 215-A, and DNCR rules as they pertain to the operation of OHRVs.
2. DNCR – Bureau of Forest Management, in collaboration with NHF&G, will enforce state laws, primarily RSA 215-A, and DNCR rules as they pertain to the condition and maintenance of the trail per the agreement between DNCR and the locally organized OHRV club (RSA 215-A.c), to ensure water quality laws are not violated. Such required multi-year agreements (Club MOAs) for West Side Trail between the DNCR and North Country ATV Club and such required agreement for the Kelsey Notch Pilot Trail between DNCR and Metallak ATV Club, and annual monitoring and maintenance, are to be reviewed annually by DNCR and the clubs. Any extension of the Club MOAs beyond the initial two years is contingent on the outcome of the Council on Resources and Development's decision relative to the status of the Kelsey Notch and West Side Trails.
3. DNCR enforcement staff will enforce state laws, primarily RSA 215-A, and DNCR rules as they pertain to operation of OHRVs, and protection of the property.
4. Once a year, by December 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. DNCR 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 December 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:
  - DNCR Trails Bureau District #1 Supervisor, or designee
  - DNCR Division of Forests and Lands North Region Forester, or designee
  - F&G Region 1 Wildlife Biologist, or designee
  - F&G Fisheries Biologist

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.

Additionally, for the Kelsey Notch Trail, the Report shall also include identification and discussion of any invasive species and related treatment plans; identification and discussion of any trail erosion issues and all restoration plans; trail count information based on date/time stamp count data; discussion relevant to adequacy of staffing and budget issues; and identification of the opening and closing dates of the trail.

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 DNCR 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.

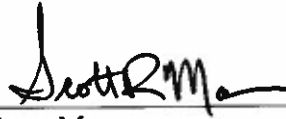
Signature Page to Follow

10/27/21  
Date



Sarah L. Stewart  
Commissioner  
Department of Natural and Cultural Resources

10-18-21  
Date



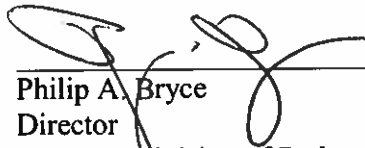
Scott Mason  
Executive Director  
New Hampshire Fish and Game Department

10/21/21  
Date



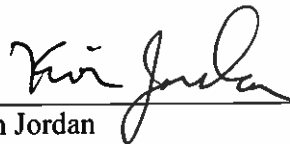
Patrick D. Hackley  
Director  
DNCR – Division of Forests and Lands

10/25/21  
Date



Philip A. Bryce  
Director  
DNCR – Division of Parks and Recreation

10/19/2021  
Date



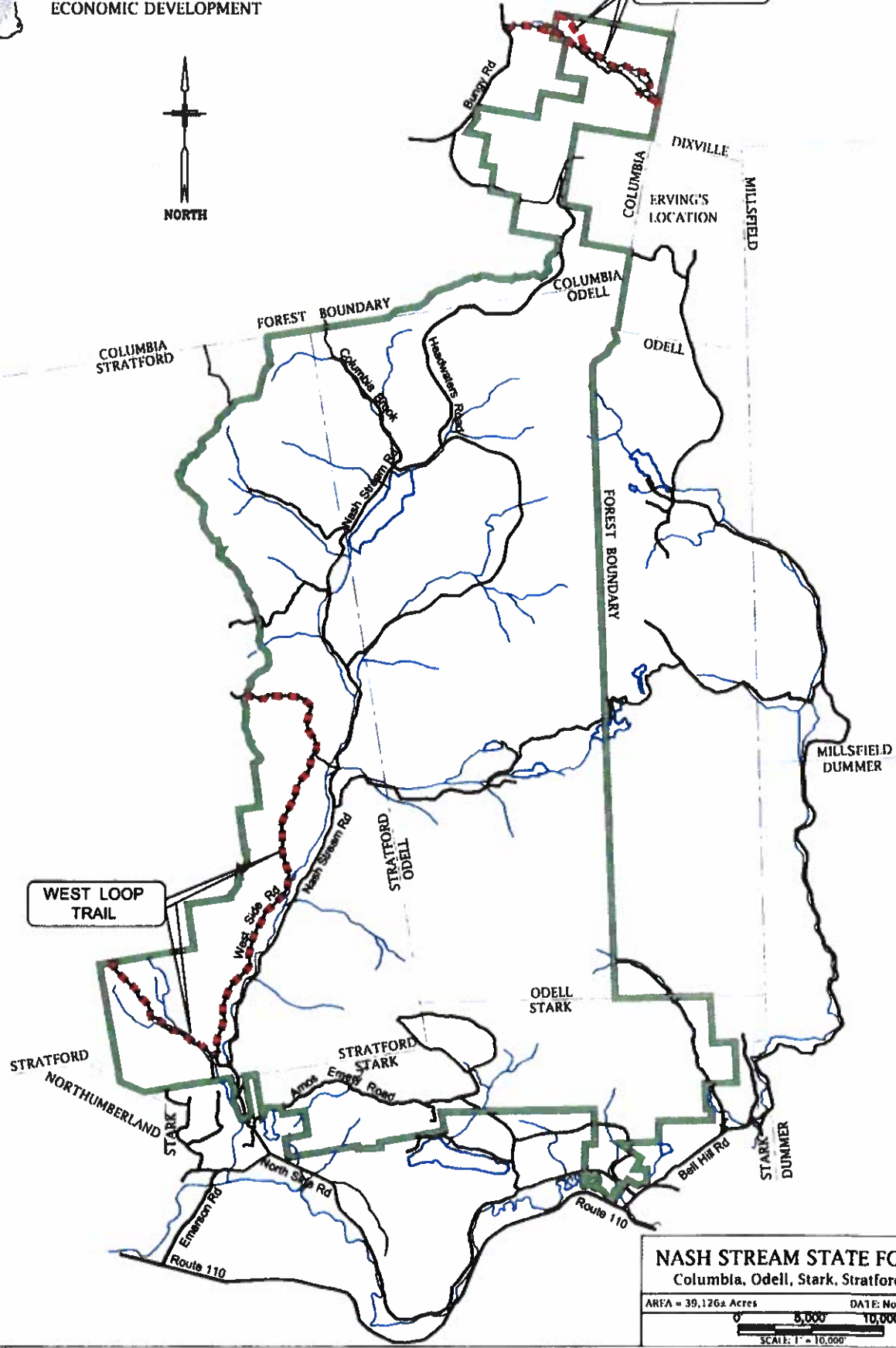
Kevin Jordan  
Colonel  
New Hampshire Fish and Game Department



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



SCALE: 1" = 10,000'