

Nash Stream Citizen's Advisory Committee  
Meeting Minutes  
January 25, 2007

Attendees:

Committee Members Present - Representative Fred King, Ted Burns, Mary Sloat, John Lanier, Wendell Lees, Brendan Prusik, Carolyn Livingston, David Dumais, and David Goulet.

DRED Staff Present - Director Philip Bryce, Bill Carpenter, David Falkenham, Maggie Machinist, Chris Gamache, Bill Gegas, Clint Savage and Ken Desmarais,

Others Present - Carol Foss, Edith Tucker, Richard McLeod and Barbara Tetreault.

Agenda

1. Meeting Opening

6:00 p.m. Representative Fred King calls the meeting to order; committee members introduce themselves. The minutes from the March meeting were approved. Rep. King explains that the main purpose of this particular meeting is to discuss the ATV trail and make a decision on the status.

2. Nash Stream Forest Activities

Regional Forester David Falkenham discussed timber sales that have been completed since the last meeting on Nash Stream Forest. Forester Maggie Machinist gives a quick presentation on the upcoming timber sale in Compartment 10 for the winter of 2007/2008.

3. ATV Trail

History of Trail – Rep. King starts the discussion of the ATV trail, saying that it has been in operation since November 2002 with a 3 year test period.

Presentations on Use and Impacts of Trail - Phil Bryce reviews the summary of findings about the ATV trail (handout).

Five studies were conducted within the pilot period to monitor conditions and aid in decision making.

Carol Foss gives a presentation on the bird study that was conducted. According to this study ATV's seemed to have little or no detectable effect on birds. This study provided good baseline information for future surveys for monitoring or if conditions change or usage change.

Ken Desmarais gives a summary of the mammal study. The results seem to be inconclusive; there were many problems with the study.

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Chris Gamache shares the findings from the noise study. Overall, if ATV's stay below 25 mph the sound doesn't register on the noise meter. The greater the number of ATV's, the greater the noise increases. Dave Goulet inquires if Fish and Game has decibel meters, and Chris responds yes.

Chris Gamache reviews the results from the Macro-Invertebrate study. Currently there is no written report, but it will be completed soon. Summary shows that there was no negative impact and no change over the course of the 2 year study.

Chris Gamache also reviews the results from the Turbidity study. The written report is not completed yet, but no adverse effects were shown.

Dave Falkenhäm discusses the road and trail maintenance issues.

- The West Side Road went from a winter road to a 4 season road.
- The road needs to be graded at least every two years to keep the crown in the road and minimize erosion.
- Mud flap water bars also need to be cleaned out and maintained.
- Someone needs to be definitively in charge and responsible for maintenance.

Discussion and Recommendations - Chris Gamache said that in the original agreement maintenance wasn't addressed.

Rep. King inquires about funding for the trail from the Trails Bureau. Chris Gamache responds that there is funding, but it is tight.

Dave Goulet and Ted Burns both agree that a user group needs to be responsible for the trail.

Bill Carpenter reviews the contents of the MOA (handout). Bill thinks the agreement should be continued and possibly enhanced in the future.

The committee reviews the draft recommendation (handout).

Rep. King proposed entering into another 3 year agreement, in which the club will be responsible for maintenance.

Phil Bryce recommends having a 30 day public comment period.

Ted Burns inquires into the 3 year agreement, and questions why the club needs another agreement; he would like to see the trail system become permanent in Nash Stream.

Bill Carpenter replied, saying that MOU's are used all over the state with other ATV clubs and are becoming more common. This was confirmed by Chris Gamache.

Phil Bryce stressed that the state can't permit a trail in perpetuity, especially a property like Nash Stream.

- The Forest Service has an easement
- There is an advisory team
- Overall, more scrutiny associated with the property.

Rep. King points out wording within the easement language that prohibits agreements longer than 5 years.

Bill Carpenter adds that contracts longer than 3 years have to have G&C approval, and go through a process, which they would like to avoid.

Wink Lees stresses the importance of monitoring wildlife in the future. Mary Sloat wants the word "thresholds" in part 1B to be defined. John Lanier agrees that needs to be addressed in the future, after appropriate research has been conducted.



Dave Goulet motions to move forward with the 3 year agreement. Ted Burns seconds the motion. The motion passes.

Public Comment - Edith Tucker wants to work into the agreement numbers of ATV's on the property. She feels that the public has been waiting to find the results of this study to see how often the trail is used. She would like to see usage monitored, to get a better idea on the number of recreators on the trail. There will be a 30 day public comment period.

4. Other Business – No other business is brought up.

Rep. Fred King adjourns the meeting at 8:10 p.m.

## Summary of Findings and Current Information regarding The Nash Stream Forest ATV Trail

NH Division of Forests and Lands

January 25, 2007

### A. Background

The Nash Stream Forest was purchased in 1988 by the state through the Land Conservation Investment Program and the US Forest Service who hold a conservation easement on the Forest. The forest was purchased to provide forest products through timber harvesting, public access for recreation, and to protect the beauty and ecological values of the area. The original management plan, completed in 1995, was developed in cooperation with a 20- member advisory committee appointed by the governor and representing a broad range of interests. The 1995 plan prohibited the use of all-terrain vehicles (ATV's) and trail bikes on the property.

In 2001 the Division of Forests and Lands and the Nash Stream Forest Citizen Advisory Committee initiated a process to revise the plan in response to emerging issues – including growing interest in lifting the prohibition of ATV use on Nash Stream. As a result of public input the Advisory Committee supported the creation of an 11-member ATV study site subcommittee to “...conduct an in depth analysis of the issues surrounding the establishment of ATV trails on state lands by evaluating a specific proposal.”

In February 2002 the Nash Stream Committee and Division of Forests and Lands recommended revising the Nash Stream Forest Management Plan to include creation of a pilot ATV trail on the West Side Road and connecting trails through agreement with an established ATV club for a period of 3 to 5 years. The ATV Study Site Committee was charged with reviewing the suitability and impact of the pilot trail project. The work of this committee was taken up by the Nash Stream Forest Citizens Committee established by the legislature in 2004.

In May 2002 the NH Legislature passed House Bill 1273 relative to planning and procedures for state-owned or leased trails for all-terrain vehicles that included language encouraging DRED to “move forward with the planning and approval process for an appropriate ATV connecting trail in the Nash Stream Forest, in cooperation with a local ATV club.”

The Nash Stream Forest Management Plan Updates and Revisions were approved in June, 2002 by Commissioner George Bald. Most recently, members of the Citizens Committee and public conducted a field tour of sections of the trail in June of 2006.

### B. Management Plan Revision

Excerpt from the *Nash Stream Forest Management Plan Updates and Revisions, 2000* (P.9).

“ATV Use – West Side Connector – Working with a local, formalized club, a pilot all-terrain vehicle (ATV) trail project will be established whereby the department (DRED)

shall designate the West Side Road and adjoining trails (Bordeau and Andritz) as ATV trails, under the provisions of Chapter Res 8500 trail use rules, to connect with adjacent trails on abutting property for a period not to exceed five (5) years; at the end of three (3) years, the Commissioner of DRED has the ability to renew, revoke or continue the pilot process for an additional two (2) years. The first year's use of the pilot trail shall not begin until after July, 2002. Thereafter, the pilot trail shall be open to ATV use each year from May 23 after continuous snow cover has melted until the closure of the gate on the Main Road in December unless otherwise posted. The purpose of the pilot ATV trail project is to determine the suitability and impact of the operation of ATVs on the Nash Stream Forest under the land stewardship philosophy and guidelines established and adopted in the Management Vision. The ATV Study Site Committee, established at the Nash Stream Forest Citizen Advisory Committee on November 8, 2001, shall be part of the assessment process to review the suitability and impact of the pilot trail project. Notwithstanding recommendations of the legislative ATV Study Committee or consequent legislation specific to the Nash Stream Forest, final assessment shall be considered by the Commissioner of DRED to continue or not continue ATV use and trail designation in the Nash Stream Forest."

### C. Impacts of the Trail

#### 1. Excerpts from "*A preliminary Investigation of Impacts of ATV Activity on Breeding Birds in Nash Stream Forest, Coos County, New Hampshire*" by Carol R. Foss Ph.D.

##### Executive Summary

"A pilot study of breeding bird activity adjacent to ATV trails and gated roads on the Nash Stream Forest in 2002 (prior to ATV activity) and 2003 (the first year of ATV activity) detected no negative impacts of the ATV trails during their first year of operation. However, information regarding the timing and frequency of ATV traffic is unavailable, making more general conclusions impossible."

##### Discussion

"None of the metrics tested suggest negative effects on breeding birds in the Nash Stream Forest during the first year of ATV use there." "... It is important to recognize that specific data on frequency and timing of ATV activity are not available for 2003." "... these (ATV use) levels may be well below a threshold for disturbance effects on breeding birds." "... Impacts of human recreational activity on wildlife have received relatively little research attention from wildlife biologists compared to other human activities.

##### Key Issues Identified in the Report:

- Monitor affects of traffic speed;
- Prevent off-trail activity;
- Noise impacts during the breeding season;
- Need for additional research particularly regarding noise levels, traffic patterns and other wildlife species; and,
- Need to conduct a comprehensive literature review on the subject.

2. Mammal study

Not conclusive. See letter from Peter Spear, Natural Resource Consulting Services dated January 6, 2006.

3. *Nash Stream ATV Trail Baseline Noise Testing Results* by Chris Gamache, DRED.

To be presented at meeting

4. Macro Invertebrate. Study conducted by the NH Department of Environmental Services

To be presented at meeting

5. Stream Sedimentation. Study conducted by the NH Department of Environmental Services

To be presented at meeting

6. Road and Trail Maintenance and Logging Access (comments from DRED staff)

The trail covers the West Side Road, Bordeau Trail and Andritz Trail. The West side road, a gravel logging road, is open for motorized access only for ATV's and snowmobiles. The travel by ATV's does affect the quality of the road surface creating a need for periodic grading. Clearly defined responsibility for maintaining the water control structures on a regular basis needs to be ensured.

The road and trails being used for the ATV trail are historic logging roads. Access for timber harvests will be needed in the future requiring additional precautions and cooperation with the club and users.

D. Contents of the Memorandum of Agreement for ATV Use Pilot Program at Nash Stream Forest with the North Country ATV Club

Covers West Side Road, Bordeau Trail and Andritz Trail

Dated November 5, 2002 for a period not to exceed 5 years

Three year initial term through December 15, 2005 extended an additional year

Trail use permitted May 23<sup>rd</sup> after snow melt until December 15<sup>th</sup>

Topics covered in the Agreement:

Forestry activities, general impact on natural resources, disposal of litter and trash, assisting state in maintenance, use of BMP's for trail construction, Grant-In-Aid Program maintenance activities, non-ATV wear on roads, catastrophic events, reasons for trail closure, responsibility for permits, monitoring trail use, ATV use limited to trail, annual meetings, liability, compliance with laws and regulations including Department policies, non exclusive use, annual plan requirement, posting of trail, Volunteer Trail Patrol Program, amendments, and transferability.