



**New Hampshire Council on
Resources and Development**

FINAL MINUTES – November 8, 2021

MEMBERS PRESENT

Taylor Caswell, Chair, Commissioner, NH Department of Business and Economic Affairs
Shawn Jasper, Commissioner, NH Department of Agriculture, Markets & Foods
John Martin, Designee, NH Department of Health and Human Services
Adam Smith, Designee, NH Department of Transportation
Joseph Bouchard, Designee, NH Department of Administrative Services
Tracey Boisvert, Designee, NH Department of Natural and Cultural Resources
Mark Sanborn, Designee, NH Department of Environmental Services

OTHER PARTICIPANTS

Michael Klass, NH Department of Business and Economic Affairs Office of Planning and Development
Noah Hodgetts, NH Department of Business and Economic Affairs Office of Planning and Development
Steven Walker, NH Conservation Land Stewardship Program (via phone)
Charlotte Harding, NH Conservation Land Stewardship Program (via phone)
Betsey McNaughton, NH Fish and Game Department
Dijit Taylor, NH Land and Community Heritage Investment Program

I. ROLL CALL AND INTRODUCTIONS

The meeting was opened at 3:05 P.M. by Chairman Caswell. CORD members and guest then introduced themselves.

II. MINUTES

- A. Approval of July 8, 2021 draft minutes

MOTION: On a motion by Commissioner Jasper, seconded by Mr. Martin, the July 8, 2021 minutes were approved unanimously by the Council with Ms. Boisvert, Mr. Bouchard, and Mr. Sanborn abstaining.

III. SURPLUS LAND REVIEW

- A. 2021 SLR 004 (Campton, Thornton)

Betsey McNaughton, Land Agent with the NH Fish and Game Department stated this Surplus Land Review is more of a rearrangement of easements to access a section of the property that was isolated by the construction of Interstate 93 in 1960. Two easements were created to access the property, one for maintenance vehicle access and mowing, and the other for the public to access the property across a golf course. The public easement was quite long and to south of the property.

Ms. McNaughton noted that there is a right of passage under the highway to access the Wildlife Management Area from the golf course and that the original management access was from Pemi Road off of Notch Way, both private roads. However, the original easement stated it couldn't be modified without approval from Fish and Game and also contained other stipulations about the length of the easement and that it had to be equitable. The original owner of the golf course created the original access for Fish and Game back in 2000, which worked for a time. When the original owners went into bankruptcy, the new owners took over and changed the golf course (without notifying Fish and Game) by

paving over the public access parking area and obliterating Fish and Game's legal access to the Wildlife Management Area via the golf course. This created confusion about where Fish and Game's maintenance crews should access the Wildlife Management Area via the golf course for mowing.

Over the past two years Fish and Game had discussions with the current owner about how to resolve this issue, which has resulted in a better solution. Under this improved solution, the original public access walkway and parking lot is being eliminated. Fish and Game's maintenance access and public access will now be from the same area, with a new parking area created. This will result in a better product since the public won't have to walk as long of a distance to access the public land and the right of way will be widened. The original access was 50 feet wide. When the golf course was created the access was split, which resulted in 25 foot right of ways.

Ms. McNaughton noted that DOT raised the issue of the easement requiring a railroad crossing. The proposed solution eliminates a railroad crossing. Lou Baker from DOT noted that Fish and Game didn't have a cooperative agreement with DOT to cross the railroad crossing even though Owls Nest and the golf course did. She said that since the meeting materials were distributed Lou Barker and her have agreed that Fish and Game will enter into a cooperative agreement with DOT Right of Way separate from Owls Nest for Fish and Game to have permission to cross the railroad.

In response to a question from Chairman Caswell regarding ownership of nearby lots, Ms. McNaughton stated that the golf course owned one parcel, a few parcels were privately owned, and that there was a reserved right for a cart path on another parcel for the public to utilize the golf course as well as for Fish and Game to access the property once or twice a year. Ms. McNaughton noted that Fish and Game only monitors the property every three years. Fish and Game also mows the property with a tractor and brush hog.

Chairman Caswell asked if there are trails in the Wildlife Management Area. Ms. McNaughton noted that there aren't defined trails since Fish and Game's mission is to protect the wildlife habitat of the property. Chairman Caswell then asked who the access was for. Ms. McNaughton stated that the access was for both Fish and Game for monitoring the property and for the public for hunting. She noted that she had spoken to a waterfowl hunter who accesses the property every year who is happy about the shorter access to the Wildlife Management Area.

In response to a question from Commissioner Jasper, Ms. McNaughton stated that all improvements were at the expense of the golf course. She emphasized that this is an improved product from that which was implemented in 2000 and now that there is a document outlining the process, any future land owners would also be responsible for expenses if they seek to make future changes to the easement.

Commissioner Jasper stated that although the golf course owners violated the terms of the original easement, in effect their penalty was giving up some rights and expending money to improve the situation. Ms. McNaughton concurred.

MOTION: Commissioner Jasper made a motion seconded by Ms. Boisvert to recommend approval of 2021 SLR 004. The motion was approved unanimously by the Council.

IV. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. LCIP Annual Report

Steven Walker, Conservation Land Stewardship (CLS) Program Director, stated the annual report is very self-explanatory. He summarized the four highlights of the last fiscal year on page one of the report. First, COVID impacted CLS by preventing CLS from having a Stewardship Specialist during FY21 due to the state hiring freeze. Second, during the run up to the anticipated dissolution of the Office of Strategic Initiatives, there was added stress on the program. Third, on July 1, 2021, CLS became its own agency,

administratively attached to DAS. It seems there is a great deal of logic to this new arrangement since CLS never fit into a mold and instead acts as an auditor serving three agencies: Agriculture, Fish and Game, and Forest and Lands at DNCR, as well as 78 municipalities. Having this autonomy will help for productivity and help provide consistency across varied parties and interest. Fourth, CLS hired a Charlotte Harding as Stewardship Specialist, who started on June 18, 2021, and is catching up on various items that got postponed or that didn't get the attention they needed during FY21.

Mr. Walker noted that CLS's prime directive is to protect the State of New Hampshire's interests it is invested in, in perpetuity. The program also tries to identify issues and prevent them from becoming larger problems while assisting landowners with negotiating terms of their conservation easements so they can enjoy their lands. Mr. Walker stated that fostering healthy land ownership is another program goal and the most cost-effective way of operating.

The largest variable is that almost every property transfers ownership over time. On a year-to-year basis CLS usually gets up to five land ownership changes. Property owned by municipalities or Forest Society can also change managers over time. This requires a constant education process to avoid problems.

Mr. Walker stated he believes the resources he is charged with add incalculable benefit to the state. He thanked all the colleagues he works with and assistance from DAS in CLS becoming its own agency. Mr. Walker then invited Council members to reach out to him with any questions and invited Council members to join him on a monitoring visit.

Chairman Caswell thanked Mr. Walker for his hard work and being flexible in becoming his own agency administratively attached to DAS.

Commissioner Jasper put in a plug for Council members taking Mr. Walker up on his offer to accompany him on a monitoring visit.

Ms. Boisvert noted she worked with the CLS program and Mr. Walker for a number of years at CLS and is now working on a new contract for CLS monitoring of DNCR properties. Ms. Boisvert suggested that CORD review its role in LCIP oversight at a future meeting. She explained that this might be helpful for CORD's education given that when things don't go smoothly, CORD has to get involved.

MOTION: Mr. Martin made a motion seconded by Mr. Sanborn to adopt the FY2021 LCIP Annual Report. The motion was approved unanimously by the Council.

V. LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)

- A. Request authorization to pay stewardship staff in part with funds from the Community Conservation Endowment, as approved by LCHIP Board of Directors.

Dijit Taylor, Executive Director of LCHIP, noted that one of CORD's responsibilities is its control over the LCHIP Endowment, including the Community Conservation Endowment (CCE). The money is supposed to be used to ensure that properties who have legal agreements with LCHIP are being managed according to the terms of their agreement. One of the ways that LCHIP ensures landowners are doing what they are supposed to do is having landowners file annual reports. To ensure compliance with the legal agreements LCHIP also employs a staff person in the field to monitor properties. LCHIP is requesting to use \$39,000 of the CCE endowment to pay for this staff person to continue working in the field.

In response to a question from Mr. Martin, Ms. Taylor noted that there is currently \$7 million in the endowment.

MOTION: Commissioner Jasper made a motion seconded by Ms. Boisvert to approve a disbursement of \$39,000 from the Community Conservation Endowment to the FY 2022 LCHIP administrative budget to help pay for LCHIP staff monitoring property interests held by LCHIP. The motion was approved unanimously by the Council.

VI. OTHER BUSINESS

Mr. Klass noted that he is working with Chairman Caswell on the Smart Growth Report through a new lens in light of the office's move to BEA. Chairman Caswell said that given the anticipated investments coming to the state for broadband and water/sewer in the coming years there is an opportunity to integrate these components into the Smart Growth report and to work with other agencies to implement the Smart Growth strategy.

Mr. Klass and Chairman Caswell agreed to discuss future CORD meeting dates/times.

Meeting adjourned at 3:35 P.M.
