



New Hampshire Council on Resources and Development Meeting

Date: Thursday, January 12, 2023
Time: 3:00-4:00 P.M.
Location: Department of Business and Economic Affairs
Kinsman Conference Room
100 N. Main Street
Concord, NH 03301

FINAL AGENDA

I. ROLL CALL AND INTRODUCTIONS

II. MINUTES

- A. Approval of November 10, 2022, draft minutes

III. LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)

- A. Paula Bellmore, Executive Director of Land & Community Heritage Investment Program (LCHIP). Request for distribution of Community Conservation Endowment monitoring funds.

IV. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

- A. Nash Stream Forest Reports
 - 1. 2022 West Side Trail Monitoring Report
 - 2. 2022 Kelsey Notch Trail Environmental Compliance Report
- B. Steve Walker, Director Conservation Land Stewardship Program (CLS) update.

V. SURPLUS LAND REVIEW

- A. 2023 SLR 001
Request from the New Hampshire Department of Transportation (NHDOT), to lease 375 feet of water frontage on Lake Winnisquam at the site owned Concord-Lincoln Railroad Corridor to the Town of Belmont to an abutter for installation, use, and maintenance of a dock in accordance with RSA 228:57-a. The proposed lease is for five (5) years with an option for five (5) year renewal. The property is located at US Route 3, Belmont, NH.
- B. 2023 SLR 002
Request from the New Hampshire Department of Environmental Services (NHDES) to transfer ownership of the Weeks Crossing Dam and associated property and easements to the Town of Warren. The dam is a 113-foot long, 14-foot-high concrete structure with earth abutments. The associated property and easements total 0.42 acres. The dam and property are located on Black Brook off Gould Hill Road in Warren, NH.

VI. OTHER BUSINESS

- A. Next Meeting: **March 9, 2023, from 3:00 to 4:00 P.M.**

MINUTES

A. Approval of November 10, 2022, draft minutes



New Hampshire Council on Resources and Development

DRAFT MINUTES – November 10, 2022

MEMBERS PRESENT

Jennifer Gilbert, Designee, NH Department of Business and Economic Affairs
Shawn Jasper, Designee, Department of Agriculture
John Martin, Designee, NH Department of Health and Human Services
Jack Ruderman, Designee, NH Housing Finance Authority
Mark Doyle, Designee, Department of Safety
Stephen Labonte, Designee, NH Department of Transportation
Jared Nylund, 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

Stephanie Verdile, NH Office of Planning and Development (CORD Staff)
Alvina Snegach, NH Office of Planning and Development (CORD Recording Secretary)
Steven Walker, NH Conservation Land Stewardship Program
Charlotte Harding, NH Conservation Land Stewardship Program

ROLL CALL AND INTRODUCTIONS

The meeting was opened at 3:00 P.M. by Acting Chairman Gilbert. Council members and guests then introduced themselves.

MINUTES

A. Approval of September 29, 2022, draft minutes

MOTION: *On a motion by Mr. Doyle, seconded by Mr. Ruderman, the September 29, 2022, minutes were approved by the majority vote in favor with Mr. Jasper abstaining due to not being present at that meeting.*

LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Annual Report- Steve Walker, Director of the Conservation Land Stewardship Program.

Ms. Gilbert said that per RSA 162-C:8 CORD must prepare an annual report to be presented no later than December 1 of year, therefore Steve Walker, who is the Director of the Conservation and Land Stewardship, is here to present that report.
Steve Walker, Director of the Conservation Land Stewardship Program introduced himself and Charlotte Harding, Stewardship Specialist with the Program. Mr. Walker began with a brief

historical background of both LCIP and LCHIP Programs and explained how the Conservation Land Stewardship Program came to be. He then showed the CORD members a book listing all the properties under monitoring.

Next Mr. Walker talked about the Annual Report and explained where the bulk of changes usually takes place, which is the monitoring status spreadsheet. Mr. Walker added that the report was pretty self-explanatory and that the chart on the very last page provides the best year end summary. He then offered to answer questions from the members. He also invited them on site walks on various properties under his purview to get more familiar with the program.

Mr. Ruderman asked where the office was located and Mr. Walker explained that they were located in the Johnson Hall on Pleasant Street.

Ms. Boisvert asked whether there were any notable issues this past year, aside from the Tamworth/Perkins easement. Mr. Walker said that there was one potential issue that he has been contemplating on how to approach it. It was discovered in 2006 in Newport and involves the municipal fee-owned LCIP property. Mr. Walker added that he was still not very clear on what CORD's authority is in cases like this and that the program will greatly benefit from having such clarity.

Mr. Ruderman asked if Mr. Walker was able to confer with the Attorney General's Office and Mr. Walker responded in the affirmative, saying that Chris Bond is the person he would go to. He added that he just wants to stay within the program bounds when dealing with issues like that.

Mr. Doyle asked if Mr. Walker thought that they were acting as "canaries in the coal mines" when such issues arise.

Mr. Walker responded that "canaries sometimes die in those coal mines" and continued to say that their charge is to protect the resources that the State had invested in. He added that they try to keep the finger on the pulse and have good relationships with the property owners. If there is an issue beyond the program's jurisdiction, they would go to the relevant agency for further action.

Ms. Walker added that it is different when municipality owns the property, as there are mostly volunteers who are involved in the process and the program tries to provide with the technical support but not do their job for them.

Mr. Gilbert asked Mr. Walker if he would be open to doing another Conservation Land Stewardship Program presentation for CORD sometime next year and he agreed. He briefly provided some numbers associated with the program and reiterated that most of their effort goes into keeping the good relationship with the land owners.

He then spoke about the latest changes where the program became its own agency under Department of Administrative Services last year and introduced Charlotte Harding, who is the newest addition to the agency. Mr. Walker spoke very highly about Ms. Harding's work and commended her for her effort.

Ms. Gilbert also noted that Ms. Harding has worked very hard on the creation of the new website for the Program.

Mr. Jasper made a motion to accept the Annual Conservation Land Stewardship Program Report for 2022. Mr. Sanborn duly seconded and motion carried with a unanimous vote in favor.

101 **LAND & COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)**

102 **A. Nothing at this time.**

103
104 **V. SURPLUS LAND REVIEW**

105 **A. Nothing at this time**

106
107 **VI. OTHER BUSINESS**

108 **A. Next Meeting: January 12, 2023, from 3:00 to 4:00 P.M.**

109
110 Ms. Verdile noted that the deadline for submitting Surplus Land Review applications for the
111 January 2023 meeting is December 8, 2022.

112
113 Ms. Gilbert provided a brief update on the status of the new NH Office of Planning and
114 Development website, which she said hopefully should go live by the end of 2022.

115
116 **MOTION:** After a motion by Mr. Jasper and a second by Mr. Labonte, followed by a unanimous
117 vote, meeting was adjourned at 3:31 PM.

**LAND & COMMUNITY HERITAGE
INVESTMENT PROGRAM (LCHIP)**

**A. Paula Bellmore, Executive Director of
Land & Community Heritage Investment
Program (LCHIP). Request for distribution
of Community Conservation Endowment
monitoring funds.**

LCHIP

Land & Community Heritage
Investment Program



DATE January 12, 2023
TO Council on Resources and Development (CORD)
FROM Paula Bellemore, Executive Director
NH Land and Community Heritage Investment Program
RE Request to Expend from Community Conservation Endowment

LCHIP's enabling legislation, RSA 227-M, created a monitoring endowment fund (Community Conservation Endowment or "CCE"). The fund is intended to support monitoring by state agencies, local municipalities, and qualifying nonprofit corporations of properties conserved with LCHIP's financial support. Money is deposited into the CCE for each completed LCHIP project, following formulae in the *LCHIP Criteria, Guidelines and Procedures* (the "*Guidelines*"). In fiscal year 2022 (FY22) LCHIP deposited \$409,000 in the CCE. As of June 30, 2022, the CCE fund's market value was \$6,306,734.51.

Pursuant to RSA 162-C:7 which assigns the responsibility to "oversee, direct, and expend funds in the monitoring endowment..." to the Council on Resources and Development (CORD), LCHIP respectfully requests CORD approve disbursement of \$207,026.00 to LCHIP for the purpose of funding fiscal year 2023 stewardship grants to eligible entities and LCHIP administrative expenses related to the stewardship program, each as described below.

Stewardship Grants

Since 2009, CORD has approved LCHIP making annual stewardship payments from the CCE to stewards who have satisfactorily monitored and reported on the status of LCHIP-assisted properties. The *Guidelines* establish how the payment amount for each property is calculated. In brief, at the time of project completion a risk assessment is completed for each property. A low-risk, easy to monitor property is eligible for one "unit" of payment, and a high-risk, difficult to monitor property is eligible for up to four "units" of payment, with the base rate, or value of each unit established by the LCHIP Board of Directors annually. In FY23, 520 properties are eligible to receive a stewardship grant for the 2022 monitoring year. Calculated at a base rate of \$300.00, the maximum possible payout would be \$156,000.

Stewardship Administration

LCHIP's FY 2023 administrative budget anticipates \$51,026 from the CCE to support expenses related to stewardship and monitoring of LCHIP-funded resources by LCHIP staff, ensuring that these resources are being managed according to the legal agreements in place. In addition to overseeing annual monitoring and reporting of 359 individual properties by 157 stewarding entities, in FY 22 LCHIP staff completed 57 cyclical field visits to LCHIP-assisted resources.

REQUESTED ACTION: Approve disbursement of up to \$207,026 to LCHIP; comprising up to \$156,000 for the purpose of awarding FY23 Stewardship Grants and \$51,026 for the purpose of supporting LCHIP's annual monitoring and stewardship program.

CCE Payment History

| Monitoring Year | # of Properties | # of Units | Base Rate | Total Payout | Monitoring Year | # of Properties | # of Units | Base Rate | Total Payout |
|-----------------|-----------------|------------|-----------|--------------|-----------------|-----------------|------------|-----------|--------------|
| 2022 | 359 | 520 | \$300 | \$156,000 | 2015 | 180 | 282 | \$200 | \$56,400 |
| 2021 | 333 | 483 | \$250 | \$120,750 | 2014 | 157 | 262 | \$200 | \$52,400 |
| 2020 | 305 | 449 | \$200 | \$89,800 | 2013 | 144 | 244 | \$200 | \$48,880 |
| 2019 | 321 | 415.5 | \$200 | \$83,100 | 2012 | 129 | 222 | \$81 | \$18,000 |
| 2018 | 267 | 388 | \$200 | \$77,600 | 2011 | 117 | 203 | \$20 | \$4100 |
| 2017 | 243 | 355 | \$200 | \$71,000 | 2010 | 105 | 177 | \$33 | \$5841 |
| 2016 | 248 | 323 | \$200 | \$64,600 | 2009 | 89 | 179 | \$93.50 | \$16,736 |

Cyclical Field Visits Completed FY22

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Alton, Mt. Major 2. Barnstead, Crooked Run 3. Barrington, Barr CE 4. Belmont, Bandstand 5. Belmont, Belmont Library 6. Bethlehem, Colonial Theatre 7. Bow, Bow, Crossroads Community Church 8. Bradford, Bradford Town Hall 9. Bristol, Bristol Town Hall 10. Concord, Carter Hill Orchard 11. Concord, Pierce CE 12. Cornish, Cornish Meetinghouse 13. Danbury, South Danbury Church 14. Derry, First Parish Church 15. Epping, Burley Farm 16. Epping, Haley Woods 17. Epping, Limperis 1-4 18. Epping, Watson Academy 19. Exeter, Ladd-Gilman House 20. Frankestown, Beehive 21. Frankestown, Frankestown Town Hall 22. Gilmanton, Twigg 23. Goffstown, Black Brook Preserve 24. Harrisville, Building No. 3 25. Harrisville, Cheshire Mills Bldg. 26. Harrisville, The Temple 27. Hooksett, Old Town Hall 28. Hopkinton, Bohanan Farm 29. Keene, Ball Mansion | <ol style="list-style-type: none"> 30. Keene, Stone Arch Bridge 31. Keene, Wyman Tavern 32. Langdon, Langdon Meetinghouse 33. Lebanon, Rogers House 34. Lyndeborough, Rose Mountain 35. Marlow, Jones Hall 36. Mason, Fifield Tree Farm 37. Meredith, Public Library 38. Middleton, Moose Mountains Reservation 39. Moultonborough, Castle in the Clouds 40. Newton, Hidden Acres 41. Northwood, Congregational Church 42. Plymouth, Old Webster Courthouse 43. Portsmouth, John Paul Jones 44. Portsmouth, Lowd House 45. Portsmouth, Wentworth-Gardner House 46. Portsmouth, Women's Club 47. Rindge, Ingalls Memorial Library 48. Salem, Town Forest 49. Stoddard, Robb Reservoir 50. Sugar Hill, St. Matthew's Chapel 51. Swanzey, Whitcomb Hall 52. Wentworth Location, Greenough Pond 53. Westmoreland, Park Hill Meeting House 54. Wilton, Carnival Hill 55. Wilton, Four Corners Farm 56. Winchester, Wingate Farm 57. Windham, Presbyterian Church |
|--|---|

LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Nash Stream Forest Reports

- 1. 2022 West Side Trail Monitoring Report**
- 2. 2022 Kelsey Notch Trail Environmental
Compliance Report**

2022 West Side Trail Monitoring Report

Date Reviewed: October 5, 2022

In attendance: Jake DeBow (NHFG-Regional Wildlife Biologist), John Magee (NHFG-Fisheries Habitat Biologist), Clint Savage (NH Trails Bureau-Regional Supervisor), and Maggie Machinist (NH Forests and Lands-Regional Forester)

The West Side Trail is made up of two sections: the West Side Road and the Bordeaux Trail.

Overview of 2022

The West Side Trail opened on May 23, 2022 and will close on December 15, 2022. The trail had some maintenance completed in July, which consisted of utilizing the rock crusher and grader on the Bordeaux Trail while equipment was already working in the area. Forests and Lands staff was out on this trail several times this season because staff was working in the area on another project.

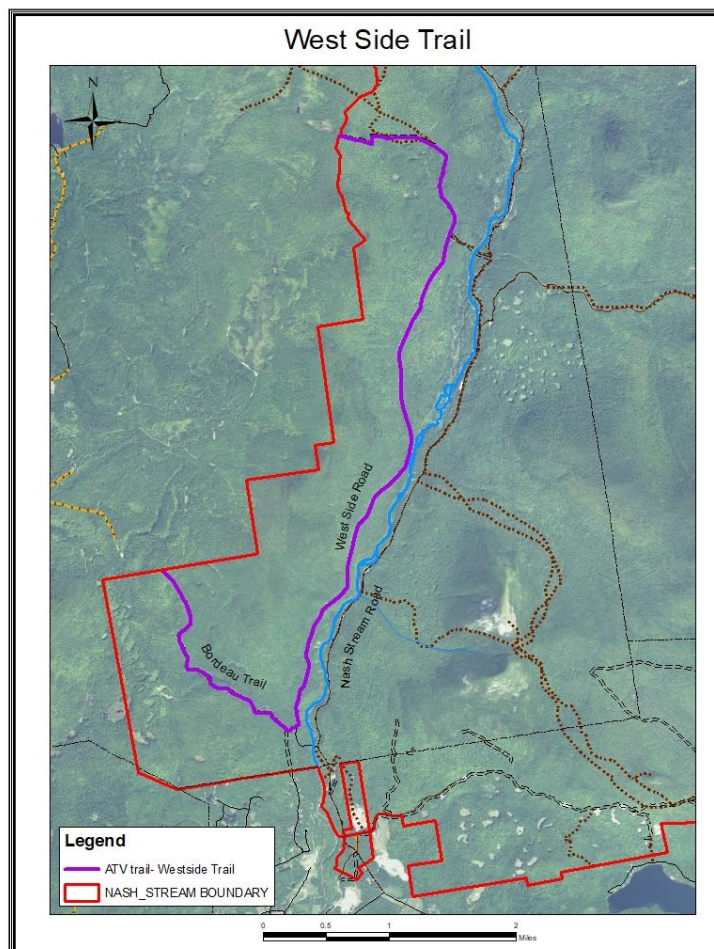


Figure 1- Map showing the Bordeaux Trail and West Side Road that comprise the West Side Trail.

On October 5, 2022 the West Side Trail was reviewed by Jake DeBow (NHFG-Regional Wildlife Biologist), John Magee (NHFG- Fisheries Habitat Biologist), Clint Savage (NH Trails Bureau-Regional Supervisor), and Maggie Machinist (NH Forests and Lands-Regional Forester) as the official monitoring trip.

Monitoring began at the cattle gate at the intersection of the Bordeaux Trail and the West Side Road and proceeded out the Bordeaux Trail all the way to the boundary line. The Bordeaux Trail was in good condition. In 2019 and 2020, much of the entire Westside Trail was re-built and remains in good condition from that construction.



Figure 2- Depicts the intersection of the Bordeaux Trail and Westside Road

Next, monitoring continued out the Westside Road, stopping to look at spots along the way to the end of the trail on Nash Stream Forest.



Figure 3- Depicts some of the trail conditions. .

Counters will be processed once the trail is closed for the season after December 15.

Conclusion- Overall, the West Side Trail appeared to be in good condition. There was no evidence of sediment going into brooks and the trail surface was hard and intact with little to no erosion, documenting the importance of regular maintenance.

Margaret Machinist

Margaret Machinist, Regional Forester

Clint Savage Jr.

Clint Savage, Trails Bureau District Supervisor

Jake DeBow

Jake DeBow, Regional Wildlife Biologist

John A. Magee

John Magee, Fisheries Habitat Biologist

Kelsey Notch Trail Environmental Compliance Report 2022

Date Reviewed: October 5, 2022

In attendance: Jake DeBow (NHFG-Regional Wildlife Biologist), John Magee (NHFG-Fisheries Habitat Biologist), Clint Savage (NH Trails Bureau-Regional Supervisor), and Maggie Machinist (NH Forests and Lands-Regional Forester)

Overview- The Department of Natural and Cultural Resources is required to submit an environmental compliance report to CORD annually. This report is a requirement of the conditional approval by CORD, dated March 29, 2021, for the Kelsey Notch Trail.

Recommendations from the 2021 Report (see the 2021 report for photos)

- Fix the mud hole near the property line toward Diamond Peaks. (figure 1)
- Place a culvert before the bridge at the end to address the sitting water near the mud hole. (figure 1)
- Fix culvert header where it is washing and slope the road away from the outlet of the culvert. (figure 1)
- Continue to monitor and clean out the rubber water diversion devices that are in various locations on the trails.
- Continue to monitor and treat the invasive species. It will take many seasons to eradicate the *Phragmites australis* and should be treated each year during the growing season.

2022

The Kelsey Notch Trail was open this season from May 27, 2022 to October 10, 2022. There were 3 trail counters deployed the entire time the trail was open. At the end of the season, trail counters were gathered, and numbers calculated.

The results are as follows:

Corridor B- 10,167 trips

Corridor C North- 11,035 trips

Corridor C- 4,194 trips

The Trails Bureau did little to no maintenance on the trail this year, due to an administrative issue. DNCR normally completes roadwork, etc. through the rental agreement process (DNCR-88), however, administrative services made changes to this process in late summer. These changes restricted DNCR's ability to get on the ground work done including the regular maintenance on the Kelsey Notch Trail in a timely manner. Changes to this process include going to Governor and Council for approval for contracted equipment services across state lands greater than \$10,000 (services are cumulative throughout the year). The process is now more arduous and lengthy, which has diminished the amount of work that was done across state properties this summer due to time constraints to get the work approved and completed before fall. All the work that was not completed last year will be completed during the summer of 2023.

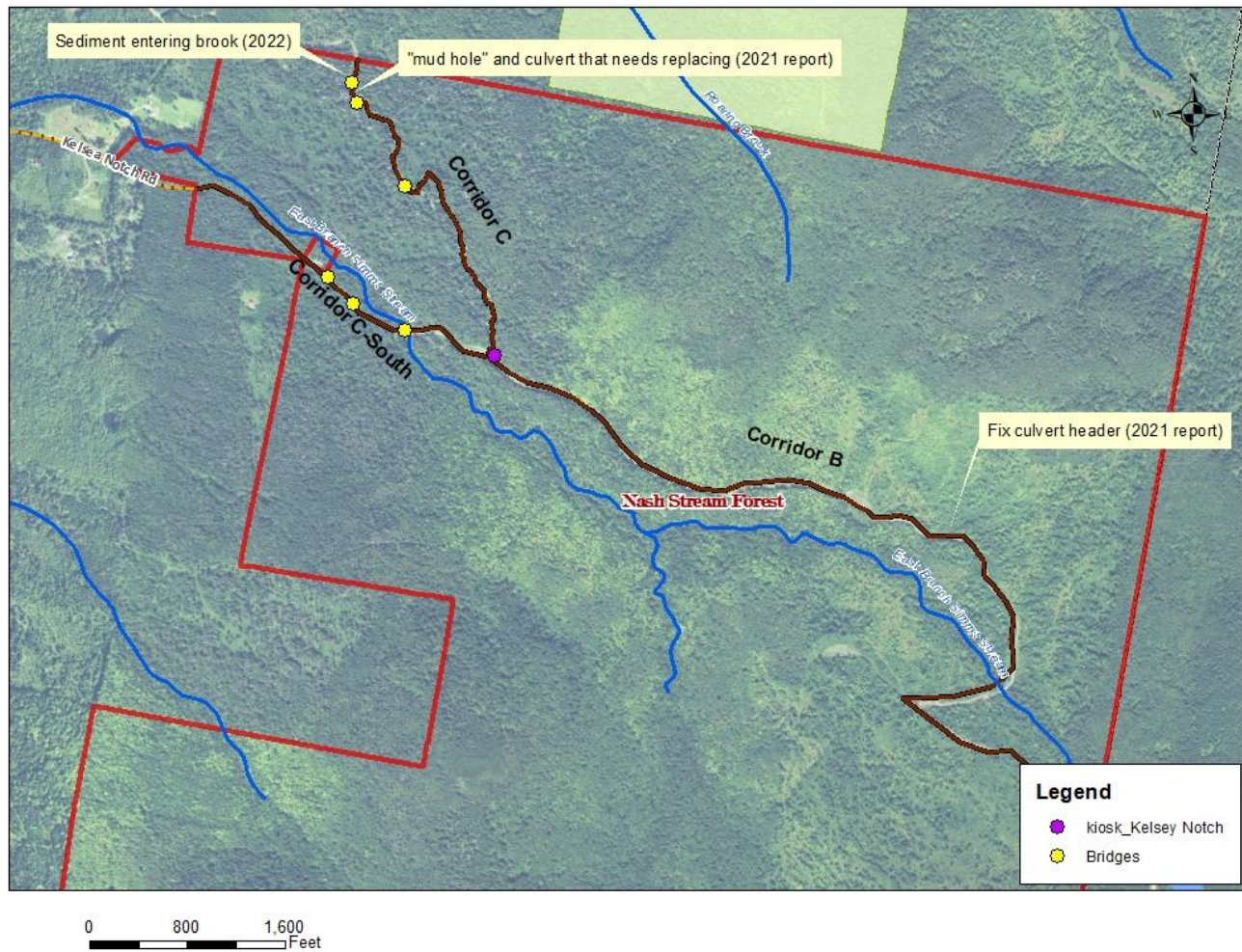


Figure 1- Map of the area showing the location of bridges, kiosk and trails labeled, and areas in need of repair.

Findings

The trail was visited twice throughout the season by Forests and Lands staff and as well by Trails Bureau staff. Trails Bureau staff, checked the status of the trail at the beginning of the season and put the counters out on May 27, 2022. Forests and Lands staff noted that the trail was in rough condition this year compared to years past during the site visit on September 14, 2022.



Figure 2- Photos from the September 14 visit

On October 5, 2022 the Kelsey Notch trail was reviewed on site by Jake DeBow (NHFG- Regional Wildlife Biologist), John Magee (NHFG- Fisheries Habitat Biologist), Clint Savage (NH Trails Bureau-Regional Supervisor), and Maggie Machinist (NH Forests and Lands- Regional Forester) as the official monitoring trip.

Corridor C- South

The monitoring began at the property line, reviewing Corridor C- South. There are two bridges on this section of trail soon after coming onto the property. Both bridges seemed to be in good condition. Then the monitoring crew looked at the large bridge over the East Branch of Simms Stream, which also seemed in good condition. There was no apparent sediment getting into the brooks that flowed underneath the bridges at these locations. Bridges appeared adequate to allow for movement of both aquatic and terrestrial organisms.

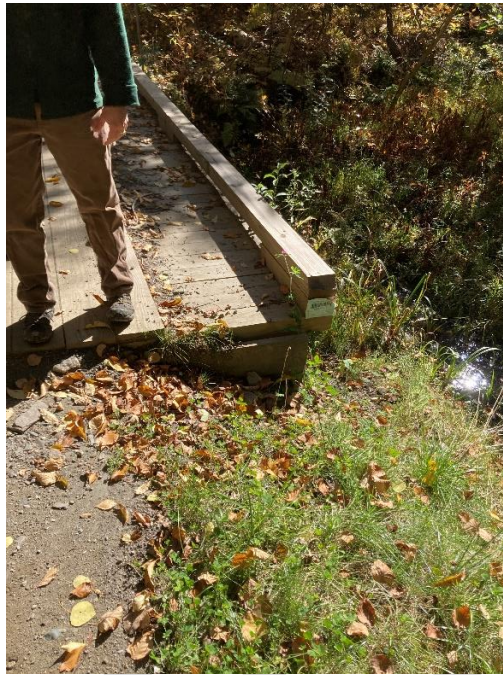
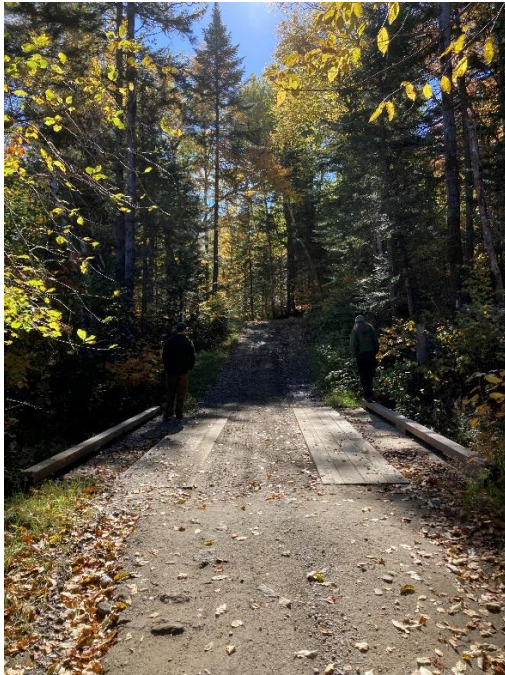


Figure 3- Shows the condition of the bridges (top left- first bridge, top right- second bridge, bottom right- large bridge over East Branch of Simms Stream)

It was noted that the roots from the trees seemed to be protruding more than in years past on the flat section immediately west of the large bridge. (see figure 4)



Figure 4- Shows the condition of the trail and the noted exposed roots.

The hill leading up to the kiosk was a rougher than years past when more maintenance was completed. The rubber water diversion devices were completely filled in with material and were not functioning properly.



Figure 5- Shows the condition of the trail on the steep hill leading to the kiosk and the rubber water devices.

Corridor C

Heading toward Diamond Peaks (Corridor C), on foot monitoring continued toward the boundary line. This trail was very hard packed, despite having no maintenance throughout the year. There were some sections that had minor sedimentation, meaning there was evidence of sediment that had been washed away from trail but the trail was in fair/good condition.



Figure 6- Shows condition of trail and some of the washing that had occurred.

There was sediment observed entering into one of the brooks along Corridor C, on the last bridge before the property line. (Figure 7)

On the 2021 report, it was noted that there was a “mud hole” immediately south of the boundary line, but still on the property of Nash Stream Forest. Due to the lack of maintenance, this area remained and continued to be a settling area for water. (Figure 7)



Figure 7- Shows sediment entering brook at bridge location and shows the “mud hole”

Corridor B

The hill leading from the kiosk toward Kelsey Notch (corridor B) was in poor condition due to lack of maintenance and amount of use. The rubber water devices were not working and some were broken. This hill was in very rough shape.

In 2021, it was noted that there was one location where some sediment was running down the trail and getting into the brook next to the rock/culvert, since there was no maintenance done on the trail this was still an issue in 2022.



Figure 8- Depicting the rubber water diversion devices, where the rubber is completely missing.

Each year, the sharp corner leading up to Kelsey Notch gets a significant berm. This happens from the dirt and rocks getting kicked out as the OHRVs turn and head up the hill, exacerbated with speed.



Figure 9- Shows berm on corner of trail

In 2020, we found a few patches of *Phragmites australis*. These areas were treated on September 3, 2021 with glyphosate by Fish and Game staff who are licensed pesticide applicators. During

our 2022 visit, we found no evidence of new *Phragmites australis* plants and no living plants. This will continue to be monitored each year, during the growing season by Forests and Lands and Fish and Game staff.



*Figure 10- Depicts the area where the *Phragmites australis* was previously found in 2021, but no plants were found in 2022.*

Recommendations-

2021 Recommendations that still need to be implemented

- Fix the mud hole near the property line toward Diamond Peaks (Figure 4 from 2021 report).
- Place a culvert before the bridge at the end to address the sitting water near the mud hole (Figure 4 from 2021 report) .
- Fix culvert header where it is washing and slope the road away from the outlet of the culvert (Figure 6 from 2021 report).
- Continue to monitor and clean out the rubber water diversion devices that are in various locations on the trails.

2022 Recommendations

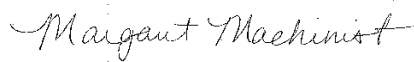
- Follow through with the 2021 recommendations
- Continue to monitor and treat the invasive species as needed. It may take many seasons to eradicate the *Phragmites australis* and it should be monitored during the growing season.
- Several of the rubber water diversion devices were in disrepair or breaking. Evaluate all devices and replace or repair the ones that are in need of attention.

-Evaluate the exposed roots on trail (Figure 3) and see if this concern can be alleviated.

Conclusion- Due to the lack of maintenance the trail was in worse shape than normal, however, there were no major environmental issues along the trail even though there was no maintenance. There was sediment leaving the trail surface, but most of it was being contained in vegetation or in the sediment basins created. There was one location where it was evident that sediment was reaching and entering a perennial stream.

Fish and Game continues to have concern regarding wildlife impact of ATV noise during high volume trail use days. This is of particular concern during spring and early summer months (May/June) when song birds are nesting/ fledging and mammals are in the early days of raising young. For example, based on trip counter data Saturday May 28th and Sunday May 29th of 2022 saw 427 and 629 trips respectfully on the Corridor C North trail. It is conceivable that >1000 trips of ATV's during a two day period could be disruptive during the calving period for animals like deer and moose. Otherwise, Fish and Game has no concern over current trail conditions related to wildlife impacts.

The trail is currently closed for the season until the spring of 2023, when conditions allow, after May 25.



Margaret Machinist, Regional Forester



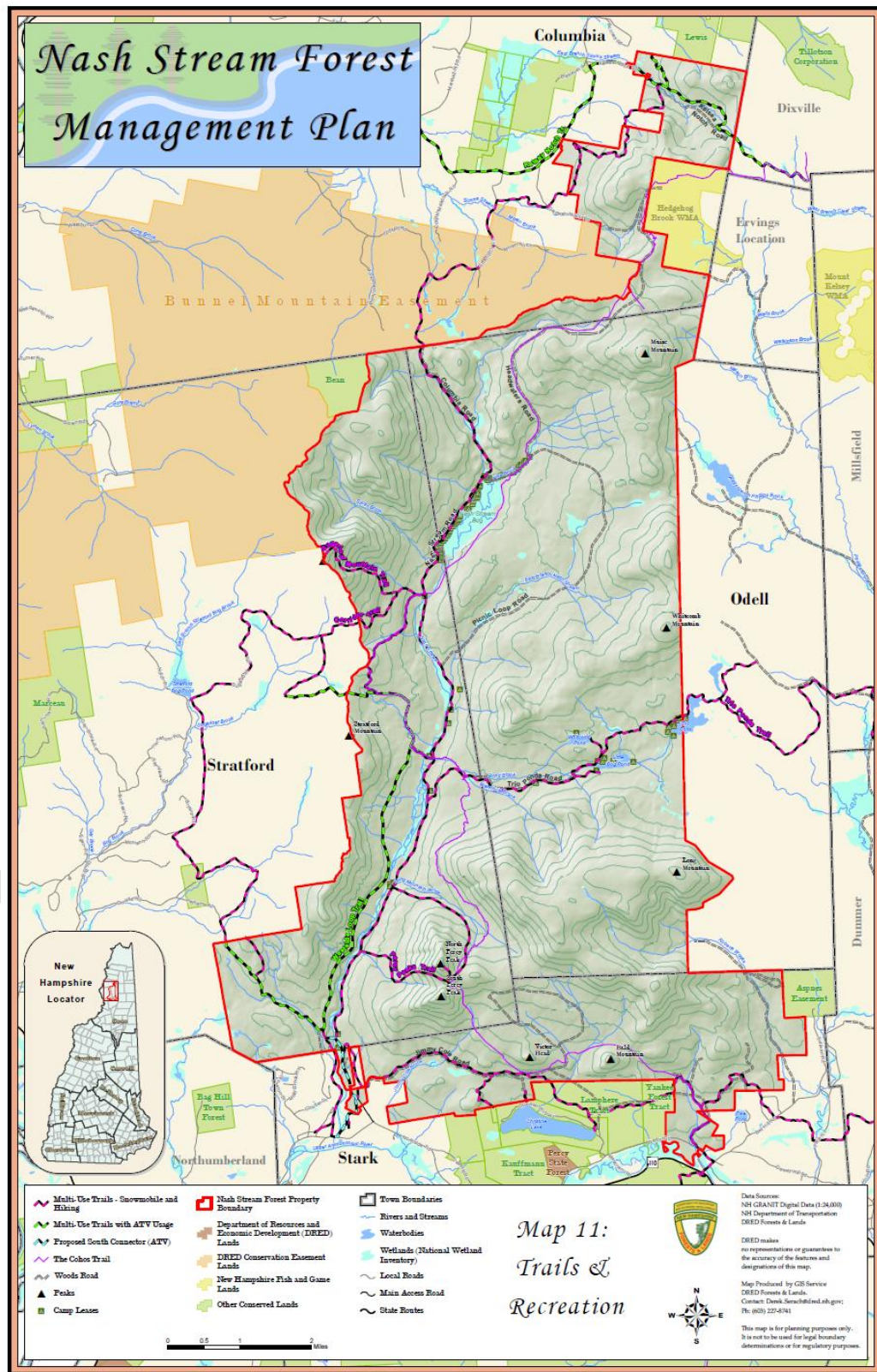
Clint Savage, Trails Bureau District Supervisor



Jake DeBow, Regional Wildlife Biologist



John Magee, Fisheries Habitat Biologist



STATE OF NEW HAMPSHIRE
FISH AND GAME DEPARTMENT

Intra-Department Communication

TO: Nash Stream Forest Citizens Committee
Council on Resources and Development

FROM: Lt. Mark W. Ober, Jr.
District One Chief

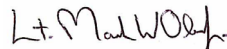
DATE: October 20, 2022

SUBJECT: 2022 NASH STREAM ENFORCEMENT MEMO

OHRV enforcement actions in the Kelsey Notch Pilot Trail and West Side Trails of the Nash Stream Forest during the 2022 OHRV riding season resulted in two summonses being issued for OHRV infractions on the Kelsey Notch Pilot Trail. There was one documented ATV crash on the Kelsey Notch Pilot Trail on July 2, 2022 involving two ATVs. This crash was attributed to traveling too fast for existing conditions resulting in serious injuries to one of the operators.

I personally conducted a patrol of the West Side Trail this summer but did not make it to the Kelsey Notch Pilot Trail. There was no evident signs of off trail riding or other illegal activities noted during my patrol.

No other law enforcement activity was relayed to me by the conservation officers whose patrols include the Nash Stream Forest.



Lt. Mark W. Ober, Jr.
District One Chief

New Hampshire Council on Resources and Development

NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

December 14, 2016

Brad W. Simpkins, Director
New Hampshire Division of Forests and Lands
NH Department of Resources and Economic Development
Brad.Simpkins@dred.nh.gov

Chris Gamache, Chief
NH Trails Bureau
Department of Resources and Economic Development
Division of Parks and Recreation
Christopher.Gamache@dred.nh.gov

Dear Director Simpkins and Chief Gamache:

On December 8, 2016 the Council on Resources and Development made several decisions regarding ATV trail use in Nash Stream Forest and whether such use is consistent with the principles set forth in RSA 162-C:6 for management of LCIP lands.

Concerns about the establishment of the two existing Nash Stream ATV trails – West Side Trail and Kelsey Notch Trail – were brought to the Council's attention by the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests and The Nature Conservancy in a letter dated May 5, 2016.

In response, the Council adopted the enclosed Findings, which includes General Findings for any ATV use in Nash Stream Forest, as well as Findings specific to West Side Trail and to Kelsey Notch Trail.

In addition, the Division of Forest and Lands submitted a Nash Stream Forest OHRV Briefing Paper and requested guidance from the Council on three proposed ATV trail options for

inclusion in the 2016 revision of the Nash Stream Management Plan. The Council's guidance is based on consistency with the principles of RSA 162-C:6 for the management of LCIP lands.

The Council determined that both Options 1 and 2, as proposed in the Briefing Paper, are consistent with the principles set forth in RSA 162-C:6, with West Side Trail and Kelsey Notch Trail each subject to the specific conditions outlined in the Council's December 8, 2016 Findings. The Council further determined that Option 3, as proposed in the Briefing Paper, is not consistent with the management vision for Nash Stream Forest nor with the principles set forth in RSA 162-C:6.

The Council's motion regarding the proposed options for the Nash Stream Management Plan is enclosed at the end of this document.

Please be in touch with questions or concerns.

Best wishes,



Amanda A. Merrill
Director, Office of Energy and Planning
Chair, Council on Resources and Development

cc: CORD Members
Jeffrey Rose, Commissioner, Department of Resources and Economic Development
Phil Bryce, Director, Division of Parks and Recreation, DRED
Christopher G. Aslin, Assistant Attorney General, Department of Justice
Susan Arnold, Vice President for Conservation, Appalachian Mountain Club
Matt Leahy, Public Policy Manager, Society for the Protection of New Hampshire Forests
Jim O'Brien, Director of External Affairs, The Nature Conservancy
Will Abbott, Vice President for Policy and Reservation Stewardship, Society for the Protection of New Hampshire Forests
Larry Gomes, Nash Stream OHRV Task Force

New Hampshire Council on Resources and Development

NH Office of Energy and Planning
107 Pleasant Street, Johnson Hall
Concord, NH 03301
Phone: 603-271-2155
Fax: 603-271-2615



TDD Access: Relay NH
1-800-735-2964

FINDINGS REGARDING ATV/UTV USE IN NASH STREAM FOREST **ADOPTED BY CORD ON DECEMBER 8, 2016 (8-0)**

General Findings:

The Council finds that in order to perform its statutory duty to manage LCIP lands, members must review and find that any use of ATV/UTVs, as currently defined by statute, within Nash Stream Forest is consistent with the principles set forth in RSA 162-C:6 prior to implementation.

CORD further finds that any ATV/UTV use in Nash Stream Forest must be limited to specific ATV/UTV trails approved by CORD in advance. In order to be consistent with the principles set forth in RSA 162-C:6, CORD finds that each proposed ATV/UTV trail must meet the following conditions: (1) the trail must be designed, sited, and used so that it preserves and does not adversely impact natural resources and conservation attributes of the property and does not interfere with or detract from the other uses of Nash Stream Forest; (2) the trail must be authorized in a current management plan, which has been reviewed by CORD for consistency with RSA 162-C:6 and has had appropriate public and state agency input; (3) the trail must comply with the requirements of RSA 215-A and all other applicable ATV/UTV and environmental regulations and standards, and the state's most recently adopted best management practices for trail construction and erosion control; (4) after construction, the trail must be continually managed to protect natural resources and conservation attributes and to limit interference with other uses of Nash Stream Forest; (5) CORD must be adequately informed on an ongoing basis of the status of management, maintenance, and enforcement efforts related to ATV/UTV use, as well as impacts of ATV/UTV trails on the Nash Stream Forest; and (6) CORD reserves the right to periodically reassess whether ATV/UTV use in the Nash Stream Forest, or on any of the trails therein, remains consistent with RSA 162-C:6 and reserves the right to temporarily or permanently close trails if necessary as circumstances change over time.

West Side Trail:

The Council finds that the use of ATV/UTVs on the West Side Trail, as currently managed, is consistent with its management obligations under RSA 162-C:6 as long as: (1) the memoranda of agreement required by RSA 215-A:42 relating to monitoring, maintenance, and enforcement

remain up-to-date and contain sufficient detail and safeguards to ensure that the trail is maintained in a safe and environmentally appropriate manner; and (2) conditions and use of the trail do not change in such a way that makes continued use of ATV/UTVs on the West Side Trail inconsistent with the requirements of RSA 162-C:6 as determined by CORD.

Kelsey Notch Trail:

The Council finds that, based on current available information, it is not able to determine at this time whether continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with CORD's management obligations under RSA 162-C:6. In order to assist in this determination, CORD requests the following additional information regarding the use, maintenance, and impacts of ATV/UTVs at this location:

1. By the January 12, 2017 CORD meeting, DRED shall submit to CORD for review the following:
 - a. An updated coarse and fine filter analysis of the Kelsey Notch Trail, pursuant to RSA 215-A:43;
 - b. An interagency memorandum of understanding, pursuant to RSA 215-A:42; and
 - c. Written agreements between DRED and a local ATV/UTV club, pursuant to RSA 215-A:42.
2. At such time that CORD has reviewed the information above and determined that it is sufficient for the Kelsey Notch Trail to provisionally re-open for ATV/UTV use, DRED shall then submit the following to CORD for review as they become available:
 - a. The annual reports required pursuant to the interagency memorandum of understanding; and
 - b. Such additional reasonable and appropriate studies, data, and information as CORD may require to adequately assess whether the continued use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6.
3. CORD will assess this additional information for three years (beginning in 2017) and at the end of this time period, or at any other time as circumstances dictate, CORD shall determine, based on available information:
 - a. That additional information and assessment is necessary to determine whether the use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6; or
 - b. That use of ATV/UTVs on the Kelsey Notch Trail is consistent with RSA 162-C:6, subject to the general conditions for any ATV/UTV use in Nash Stream Forest; or
 - c. That ATV/UTV use on the Kelsey Notch Trail is not consistent with RSA 162-C:6 and the trail shall cease to be open for ATV/UTV use.
4. During the pendency of CORD's review of the Kelsey Notch Trail no expansion of the area of disturbance for ATV/UTV use shall be permitted without prior CORD approval.

MOTION ON GUIDANCE TO DRED REGARDING ATV TRAIL OPTIONS
FOR 2016 REVISED NASH STREAM FOREST MANAGEMENT PLAN

“In looking at the three options presented to CORD from DRED, and given the preliminary findings of the Technical Team, Option 3 would not be consistent with both the management vision as well as RSA 162-C:6. Both Option 1, keeping the status quo, and Option 2, keeping OHRV use consistent with the 2002 Management Plan amendment, would be consistent with both the management vision and CORD’s LCIP responsibilities. However, Option 1 needs to reflect CORD’s determination earlier in today’s meeting.”

Adopted by Council on Resources and Development (7-0)
December 8, 2016

Diamond International Corporation, a subsidiary of the French Timber Company General Occidentale, placed its landholdings in New Hampshire, Vermont, New York and Maine on the market in the winter of 1988. A price of \$19 million was set for the 90,000 acres in Vermont and New Hampshire (\$212 per acre). Much of the land in New Hampshire was heavily cut over. Timberland investment analysts estimated that only a value of \$100 per acre could be justified based on long term timber management potential and agreed that Diamond's asking price was more in line with the land's development potential.

In April, The Nature Conservancy (TNC) made an offer on the land, planning to hold it until a state or federal agency could buy them out. TNC's offer, based more on the timber values than development values, was rejected. In May, an offer by the New Hampshire Retirement System was also rejected. The Nature Conservancy and the Retirement System were working out details of a joint offer when on May 27, 1988, Rancourt Associates announced they had signed an agreement to pay the asking price of \$19 million.

Almost immediately, negotiations began between TNC, the Society for the Protection of New Hampshire Forests (SPNHF), the Land Conservation Investment Program (LCIP) and Rancourt Associates to purchase 46,500 acres of the 67,000 acres in New Hampshire. This included approximately 40,000 acres in Nash Stream, 2,000 acres in four smaller pieces and 4,500 acres of inholdings within the White Mountain National Forest. On July 5, TNC and SPNHF signed an agreement to buy the land from Rancourt conditioned upon an agreeable purchase price (based on appraisals being undertaken) and adequate funding sources to complete the purchase.

In the meantime, Senator Warren Rudman and the rest of New Hampshire Congressional delegation requested a federal appropriation of \$9 million to purchase 45,000 acres from Rancourt as an addition to the White Mountain National Forest. However, on July 13, the U.S. Senate passed an appropriations bill for the Department of the Interior, which included only \$5.3 million for this land purchase and a scramble was underway in New Hampshire to raise the difference between this and a negotiated sale price of \$12.75 million.

On August 23, 1988, the LCIP Board of Directors voted to approve the expenditure of \$7.65 million of LCIP Funds for the purchase of these lands. A purchase and sale agreement was executed the following day with TNC and SPNHF to provide a loan of \$5.1 million to cover the balance of the purchase price until the federal funds were released.

The principal remaining problem was to allocate interests in the Nash Stream land between the state and federal governments. The State offered to sell a proportionate share in fee, at the price per acre it had agreed to pay to acquire the land from Rancourt. The Forest Service refused because the State's purchase price was higher than the Forest Service's appraised value. The State then offered to sell a proportionate common and undivided interest. The U.S. Department of Justice said no. Finally, in October 1988, the Forest Service agreed in principle to share the costs of the Nash Stream acquisition through purchase of a Conservation Easement on the property.

When a closing finally took place on October 27, 1988, the State of New Hampshire purchased 46,679 acres of Diamond (Rancourt) land for \$12.75 million and reconveyed 4,496 acres to the Forest Service for \$1.175 million. The State mortgaged the remaining property to TNC and SPNHF for \$3.925 million to provide the balance of the purchase price pending negotiation of the terms and value of the Conservation Easement. The Nash Stream deal was finalized almost a year later when on August 4, 1989 the Conservation Easement was sold to the United States of America for \$3.95 million and the TNC/SPNHF loan (with interest) was paid.

NASH STREAM FOREST

CONSERVATION EASEMENT DEED SUMMARY

GRANTED TO: United States of America
U. S. Department of Agriculture - Forest Service

CONSIDERATION: \$3,950,000

ACREAGE: 39,460 acres - Odell, Stark, Columbia and Stratford

USE OF EASEMENT AREA:

I. Uses Allowed

- A. Public Recreation - Campsites, trails (including cross country ski and snowmobile), picnic areas, boat launches, trailhead parking areas, visitors center and ranger station.
- B. Public roads and utilities (with prior written approval of Forest Service).
- C. Internal access roads
- D. Existing recreational residences (camps)
- F. Natural Resources Multiple Use Management
Including watershed, Fish and Wildlife, recreation, scenic, education and research, timber and sand and gravel.

II. Uses Not Allowed

- A. Subdivision or disposal as smaller tracts.
- B. Leases or contracts exceeding five (5) years, except for public roads and utilities.
- C. Residential uses of all forms, temporary or permanent.
- D. Ski areas, ski lodges, ski lifts, resorts, outfitting establishments.
- E. Landfills, dumps, storage areas.
- F. Garages and warehouses, except as necessary for management of the property.
- G. Mineral, oil, gas or related development (except gravel rights reserved to the State.)

TIMBER MANAGEMENT CONSTRAINTS:

- : Managed on a sustained yield basis (except in the event of a natural catastrophe.)

- : No logging on slopes greater than 35% or above 2700 feet elevation.
- : No clearcuts greater than 30 acres. (except in event of natural catastrophe and with approval of Forest Service.)
- : Clearcuts must total less than 15% of the total easement area in any ten year period.
- : No timber harvesting within 150 feet of Whitcomb, Trio and Little Bog Ponds (except as necessary for recreation development and timber salvage purposes with written approval of Forest Service).
- : Logging on areas near streams, ponds and public highways are subject to the provisions of RSA 224:44-a and shall be no less restrictive than the terms of this statute as of 1/1/89.
- : Logging shall be conducted in conformance with current federal and State laws and regulations, including use of Best Management Practices prescribed for given activities.

PUBLIC ACCESS: Shall be assured subject to reasonable restriction and regulation by the State and a charge of reasonable fees.

GENERAL PROVISIONS:

- : Easement subject to all valid existing rights of record at the time of conveyance.
- : Easement is enforceable in law or equity by parties. State is responsible for and bear cost of enforcement action and restoration caused by violation of any term of easement.
- : Easement area shall be administered and managed by State at State cost and liability. State shall receive all revenue derived from management.
- : Forest Service shall administer easement on behalf of United States. The United States has an affirmative right to manage any resource or land use acquired under the easement which is not reserved by the State.
- : Easement shall be construed so as to effect the conservation purposes for which it was acquired.
- : State shall hold United States harmless from all liabilities relating to the property.
- : United States has right of first refusal should State decide to sell.

JFC/ARR

A
NASH STREAM
CHRONOLOGY OF ACQUISITION

Diamond Occidental placed lands in New Hampshire, Vermont, New York and Maine on the market in the winter of 1988. A price of \$212 per acre was set on the New Hampshire and Vermont holdings. Much of the New Hampshire lands were heavily cutover. Timberland analysts figured \$100 per acre value for the timber and soils for long term investment and that Diamonds price was more in line with visions of wholesale development potential.

In April, The Nature Conservancy (TNC) made an offer on the land, planning to hold it until a state or federal agency could buy them out. TNC's bid, based more on the timber values than development values was rejected.

In May, a bid by the New Hampshire Retirement System was also rejected.

The Nature Conservancy and the retirement system were working out details of a joint offer when Rancourt Associates announced they signed an agreement to pay the asking price of \$19 million on May 27, 1988.

Negotiations began between Rancourt and conservation groups to purchase as much as possible of 45,000 acres, including the 40,000 Nash Stream property.

In May, 1988, Senator Rudman and the rest of the NH delegation requested an appropriation of \$9 million to purchase the 45,000 acres as an addition to the WMNF. Despite Rudman's best effort, only \$5.25 million was appropriated; a scramble was made in NH to raise the difference.

LCIP provided \$7.65 million toward the negotiated sale price of \$12.75 million. TNC provided a bridge loan of \$5.1 million until the federal funds were released.

The principal remaining problem was to allocate interests in the land between the state and federal governments. The state offered to sell a proportionate share in fee, at the price per acre it had paid to acquire the land from Rancourt; the Forest Service refused because the state's purchase price was higher than the Forest Service's appraised value. The state offered to sell a proportionate common and undivided interest; the US Dept. of Justice said no. Finally, in October, 1988 the state and USDA agreed to share the costs of the acquisition through a sale by the state of the development rights.

October 27, 1988 State of NH purchased 46,679 acres for \$12.75 million and conveyed 4,496 acres to the Forest Service for \$1.175 million. The State took out a mortgage for \$3.925 million from the SPNH and TNC.

August 4, 1989 The State of NH sold a conservation easement to the USA for \$3.95 million.

October, 1989

Source: Div. Forests and Lands

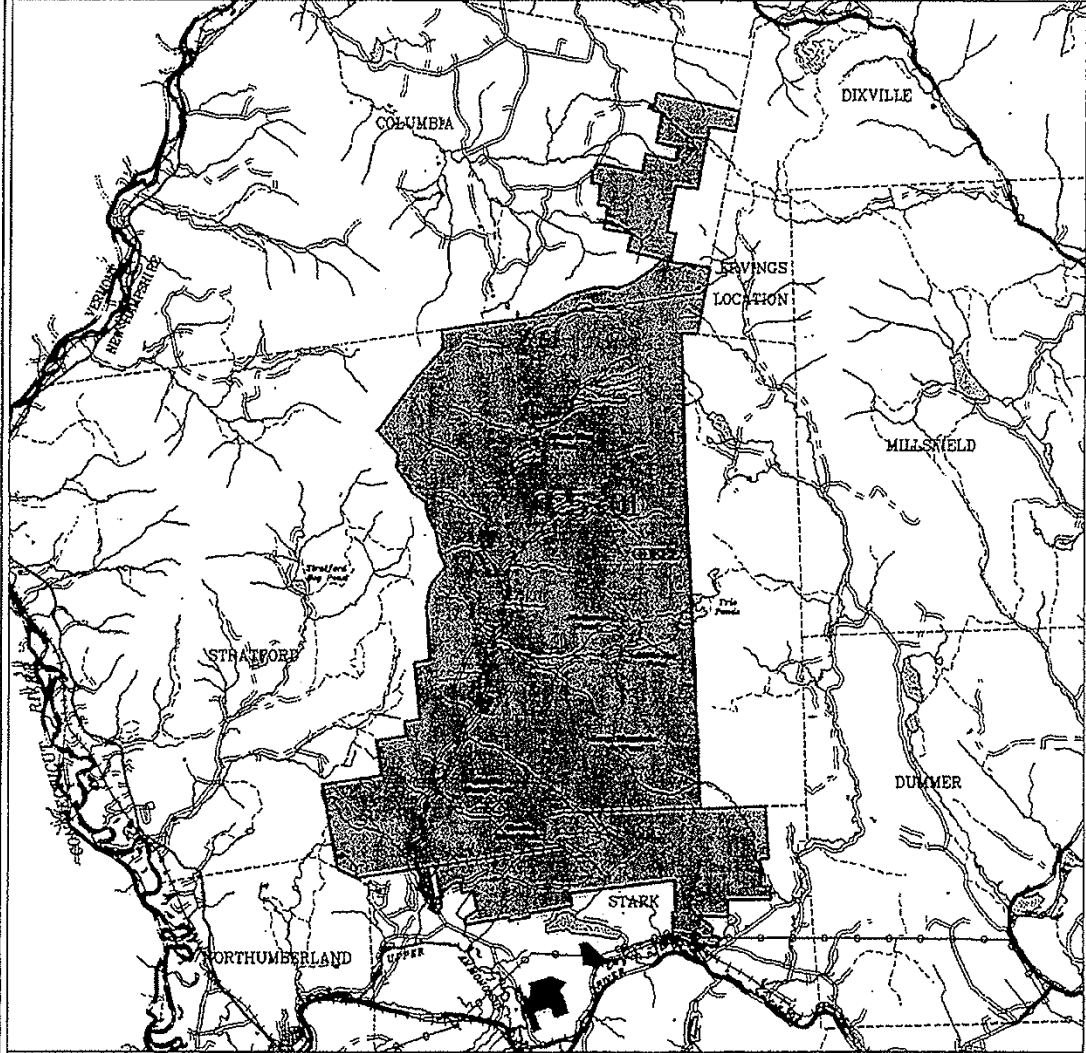
Nash Stream Forest
LCIP Purchase
 October 27, 1988
 \$12,750,000 for 43,956 Acres
 (\$5,260,000 Federal)

| PROPERTY | ACREAGE | PURCHASE PRICE | SALE PRICE | CURRENT OWNER |
|-----------------------------|---------|----------------|-------------|---------------|
| Nash Stream Forest | 39,460 | \$7,625,000 | | NH-DRED |
| Big Island SF | 300 | " | | NH-DRED |
| Ammonoosuc SF | 8 | " | | NH-DRED |
| Cape Horn SF | 1940 | " | | NH-DRED |
| Devils Slide SF | 290 | " | | NH-DRED |
| Percy SF | 77.5 | " | | NH-DRED |
| White Mt. NF | 4496 | | \$1,175,000 | USFS |
| Nash Stream Forest Easement | 39,460 | | \$3,950,000 | USA-USFS |
| | | | | |
| | | | | |
| | | | | |

LAND CONSERVATION INVESTMENT PROGRAM

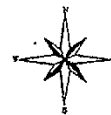
NASH STREAM FOREST

Columbia/Odell/Stark/Stratford



| PARCEL ID | ACREAGE | GRANTOR |
|-----------|---------|----------------------------|
| 025-01 | 39601.0 | DIAMOND INTERNATIONAL CORP |

- LCP parcel
- Other LCP parcels
- State-owned lands
- Surface water
- River or stream
- Town boundary
- County boundary
- State boundary
- Primary route
- Secondary route
- Road or street
- Unimproved road
- Other road
- Trail
- Railroad
- Pipeline/transmission line



SCALE 1:80,000
(1 inch = 15,000 ft.)

Map by:
Complex Systems Research Center
University of New Hampshire
March, 1983



**LAND CONSERVATION INVESTMENT
PROGRAM (LCIP)**

**B. Steve Walker, Director Conservation
Land Stewardship Program (CLS) update.**

January 3, 2023

TO: CORD

FR: CLS Director – Stephen Walker / Stewardship Specialist – Charlotte Harding

RE: Land Conservation Investment Program (LCIP) Updates

Dear CORD Members,

It has been suggested several times from different perspectives that it could be useful for Conservation Land Stewardship (CLS) to regularly attend CORD meetings. When the Office of Strategic Initiatives was dissolved, and CLS lost the more direct association with CORD, this idea became all that more relevant. We agree that our presence would be helpful all around, so this is an introductory note with some items to update you on. We will be in attendance at the upcoming meeting on January 12 and available to answer any questions you may have.

- Legal Representation - With the dissolution of OSI, CLS found itself needing to obtain its own legal counsel. This became apparent last spring with the Tamworth violation. Chris Bond in the Civil Bureau has become an invaluable resource to CLS as we have navigated the process of becoming a distinct agency.
- Authorizing Legislation – The dissolution of OSI came with the creation of a new Department of Energy. The Planning Division of OSI was moved to the BEA agency. These items were contained in HB2, while nothing was mentioned regarding the creation of CLS as an agency. Chris Bond will be working with his colleagues at DOJ to correct this omission, as it is important for there to be authorizing legislation for CLS. We have had this question come to us many times and this effort will provide the necessary answer.
- Administrative Rules – The original rules that dealt with LCIP (now CLS) expired around twenty years ago. Much has changed since then, in particular CLS is now a distinct agency. Our plan is to work with Chris Bond to update those original rules.
- Biennial Budget - 24/25 – We presented our budget in the Governor's phase in September. For the upcoming biennium we are fine. However, if DNCR hires its own conservation easement monitor and our contract with them is not renewed, CLS will need to come up with replacement funds in order to keep its current structure. The second year of the next biennium has us drawing 5.5% of interest income from the endowment, which is the maximum allowed by CORD. This is not the first time CLS has been in this situation. Alternatively, CLS could structure itself differently, especially if it coincides with the retirement of Stephen.
- Retirement – I just turned 66 so the prospect of retiring is on the horizon with no definite date at this point. My main goal is to make sure Charlotte understands everything, and the program is in excellent shape when I leave so someone filling my role will be able to do that somewhat seamlessly. She has done excellent work and has great enthusiasm for helping with everything.

- Land Conservation Endowment (LCE) – CLS has a MOA with DNCR, F&G, and DOJ that allows the contribution of funds to the LCE to support the stewardship and monitoring of newly acquired CEs. The MOA for F&G expires June 30 of this year, and the other two in 2024. We would like to get them all on the same year if possible. We have one property for DAMF that predated the first MOA ten years ago. If DAMF is amenable, this would be a good time to add a MOA with them in the event a new property needs to be added to the CLS roster.
- Tracey Boisvert – Tracey left state employment last month. She was the director of CLS from 2008 to 2017. She was a very well-versed person on CORD as it relates to land conservation, and certainly CLS.
- New Vehicle – CLS will need to plan for a new vehicle in the 26/27 biennium. If it requires buying a new vehicle we would likely need to use the endowment to pay for it, and thus plan accordingly. Using the endowment would require CORD approval.

The municipally protected LCIP properties tend to bring the greatest challenges to CLS for a variety of reasons. Perhaps the one that tops the list is that in the eyes of municipalities, especially conservation commissions, CLS is the authority. We are who they look to when issues arise. They look to us to help them solve their problem. It is now abundantly clear that CLS has no legal interest, or authority in regards to enforcement. The authority for enforcement lies with the Charitable Trust Unit at DOJ, and CORD. CORD as it pleases may ask CLS for its input on any matter. Going forward CLS will make continue to make this distinction clearer to municipalities, which will likely result in more inquiries coming directly to CORD and the CTU. CLS created a guide for municipalities in 2020 that does already speak to this, but can always use refining. CLS plans to continue its role of requesting annual monitoring reports, conducting periodic site visits 4-6 years (or as needed), and reporting concerns and / or suspected violations to a municipality. It is important to remember that not all entities within a town will agree with each other, and it may be the authority of CORD and / or CTU that must come to bear.

- Charlestown – Francis / Conservation Easement – In August 2022 CLS was made aware of potential plans to improve (i.e. widen) a road which intersects the Francis CE. The Charlestown Conservation Commission, the current CE landowner, and the original grantor have all raised concerns regarding impacting the stone walls lining this road which effectively act as the CE boundary. It is our understanding that any encroachment caused by road improvements would constitute a violation of the CE. We believe an amendment proposing any change to the boundary would require consideration by CORD and CTU. We have notified them that CORD and CTU are where any authority lies.

These next two items have a similar theme, private use of land acquired through LCIP for conservation purposes. More of these will come along over time. CLS would like to have a clear avenue for resolving issues such as these expeditiously and want to make sure we have a method to coordinate them properly with CORD and CTU so items do not linger. One part of the challenge is that the personnel, staff, and volunteers are in constant flux, something CLS does not have control of.

- Newport – Barton / Fee-owned – Boundary encroachments and private use of public conservation land for individual benefit dates back to 2006. In a 2015 letter the DOJ wrote “...such private use of the LCIP property violates both the express restrictions contained in the Deed and the public trust created by RSA 221-A and RSA 162-C.” In 2018 rocks were placed along the approximate boundary to give the Town and State a baseline for the boundary which would allow for ease of monitoring in the future. On an October 2022 field visit CLS documented additional personal use of the property in the form of motorized vehicle ingress/egress through breaks in the stone wall bound and dumping of yard waste from the same abutter where several problems had originated from. We believe any state-level enforcement would need to come from CTU or CORD.
- Kingston – Mayhew / Fee-owned – Boundary encroachments and private use of public conservation land for individual benefit dates back to 1999. In a 2016 letter the DOJ wrote “Private use of LCIP property violates both the express restrictions contained in the Deeds and the public trust created by 221-A and RSA 162-C.” The Town of Kingston has had the boundary re-surveyed several times, each time confirming abutter encroachments. We believe any state-level enforcement would need to come from CTU or CORD.

SURPLUS LAND REVIEW
A. 2023 SLR 001

Request from the New Hampshire Department of Transportation (NHDOT), to lease 375 feet of water frontage on Lake Winnisquam at the site owned Concord-Lincoln Railroad Corridor to the Town of Belmont to an abutter for installation, use, and maintenance of a dock in accordance with RSA 228:57-a. The proposed lease is for five (5) years with an option for five (5) year renewal. The property is located at US Route 3, Belmont, NH.



**New Hampshire Council on
Resources and Development**

MEMORANDUM

| | |
|--|--|
| TO: CORD Members and Other Interested Parties <i>Via Email Distribution Lists (Bcc)</i> | Belknap County Board of Commissioners c/o Ms. Debra Shackett, County Administrator 34 County Drive Laconia, NH 03246 <i>Via Email (dshackett@belknapcounty.org)</i> |
| Town of Belmont C/o Alicia Jipson, Town Administrator PO Box 310 143 Main Street Belmont, NH 03220-0310 <i>Via Email (administration@belmontnh.gov)</i> | Jeff Hayes, Executive Director Lakes Region Planning Commission Humiston Building 103 Main Street, Suite 3 Meredith, NH 03253 <i>Via Email (jhayes@lakesrpc.org)</i> |

FROM: Stephanie N. Verdile, Principal Planner, Office of Planning and Development

DATE: December 15, 2022

SUBJECT: *State Owned Land, Surplus Land Review, Belmont, NH
2023 SLR 001*

RESPONSE DEADLINE: **Tuesday, January 3, 2023**

Please review the attached information to determine if your organization has any interest in this transaction. If there is an interest, please provide this office with any comment(s) in writing by the response deadline indicated above. Responses may be emailed to stephanie.n.verdile@livefree.nh.gov

Information regarding CORD and its meetings may be obtained at:

<https://www.nh.gov/osi/planning/programs/cord/index.htm>.

The Department of Natural and Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483:8, VII and 14.



**STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION**

From: *LB* Louis Barker
Railroad Planner

Date: November 8, 2022

At: Bureau of Rail and Transit

Thru: Shelley Winters *SW 11/09/22*
Director, Division of Aeronautics, Rail & Transit

Subject: Surplus Land Review
Concord-Lincoln Railroad Corridor, Belmont

To: Taylor Caswell, Commissioner
Department of Business and Economic Affairs

The Bureau of Rail & Transit proposes to lease approximately 375 feet of water frontage on the state-owned Concord-Lincoln Railroad Corridor in the Town of Belmont to an abutter for installation, use and maintenance of a dock in accordance with RSA 228:57-a. This law allows leasing of state-owned railroad waterfront to landowners whose property abuts the railroad property, and for which the proposed use does not adversely impact the use of property by the State or its Railroad Operators.

Explanation: The Sun Lake Village Association proposes three seasonal finger docks (5 slips) in a multiple slip configuration. The request is for a lease of 375 feet of frontage along the boundary of Sun Lake Village and state property to cover the number of slips requested. Bureau staff has met with the applicant and inspected the site. The Bureau is willing to enter into a lease for waterfront access for 375 linear feet at the edge of the railroad corridor, provided that the lessee meets Department of Environmental criteria, obtains a dock permit and install a pedestrian at-grade crossing and protection including, but not limited to, a crossing surface and signage. In addition, the applicant is aware that the proposed access will cross the Belmont segment of the WOW Trail and appropriate safety measures will be required to mitigate impacts to the trail facility. The lease will also include a termination clause and a requirement to remove any improvements in the event the location of the dock lease adversely impacts future use of the corridor.

Please submit this request to the Council on Resources and Development to determine if this land is surplus to the needs and interests of the State.

Feel free to contact me with any questions.

Enc.

cc: Stephen LaBonte, Administrator, Bureau of Right-of-Way

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: Transportation

Agency Contact Person: Louis A. Barker
Address: NHDOT, Bureau of Rail & Transit, PO Box 483, Concord, NH 03302
Phone Number: (603) 271-2425
E-Mail: Louis.barker@dot.nh.gov

Applicant Contact Person: Don House
Address: Sun Lake Village Docks LLC 51 Sun Lake Drive, Belmont, NH 03220
Phone Number: (508) 344-4612
E-Mail: Donhouse@metrocast.net

Location of Property: US Route 3, Belmont NH

Acreage: 375 linear feet

Requested Action: Lease

Term of Lease or Easement: 5 years with option for 5 year renewal

.....

Please complete ALL questions below, submit one digital copy and one hardcopy original of the complete application to the Office of Strategic Initiatives, Johnson Hall, 3rd Floor, 107 Pleasant Street, Concord, NH 03301, michael.klass@osi.nh.gov.

1. What is the current use of this property?

Vacant

2. What is the proposed use of this property if surplusd? Please note if proposed use is intended to create a public benefit.

Dock and recreation facility per the terms of RSA 228:57-a

3. Does the proposed use of this property entail new development? ☒ Yes ☐ No

a. If yes, is it consistent with adjacent and existing development? ☒ Yes ☐ No

b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or surroundings.

Subdivision approval over 20 years ago. Some of the parcels improved 2005-2020

4. Are there any structures located on this property? ☐ Yes ☒ No

a. If yes, please describe the structures including how many and what kind.

5. Are there historical architectural or archaeological resources identified on this site?

☒ Yes ☐ No

a. If yes, describe the resource(s)?

Railroad itself is eligible for National Historical Register. Boston, Concord & Montreal RR.

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? ☒ Yes ☐ No

a. If yes, describe the use and number of structures of adjacent sites.
If no, where is the nearest development? (Describe distance, use, and number)

6 houses on qualifying property that corresponds to this request.

7. Does the site represent the entire state property in this location? ☐ Yes ☒ No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

<0.01%, request 375 feet, rail line is approximately 73 miles.

8. Is access to this property available? ☒ Yes ☐ No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

No. Applicant will enter into a Crossing Agreement with the State of New Hampshire to cross the railroad.

b. If yes, is there a potential for public access interruption? ☐ Yes ☐ No

9. Are there water resources related to this property such as:

Lakes/Ponds - ☒ Yes ☐ No Rivers - ☐ Yes ☐ No Wetlands - ☐ Yes ☐ No

a. If yes, please indicate the size or extent of such resources.

Lake Winnisquam

b. If yes, is the property located within 250 feet of a lake/pond or river?

Yes

c. If yes, please describe any municipal regulations and/or Shoreland Water Quality Protection Act (RSA 483-B) provisions that apply to the development of the property.

RSA 228:57-a

d. If there are water resources, please describe current public or private access from the site to the water body. ☐ Public ☐ Private ☒ No Access Available

Currently subject to railroad operations from April 1 to December. Winter recreation during off season shutdown per an Agreement between NHDOT and NHDNCR.

e. How would the proposal affect the access opportunities described in d?

Proposed private access will include safety features at both crossings of the railroad and the Belmont segment of the WOW trail.

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

| | Yes (property) | Yes (adjacent property) | No |
|--|--------------------------|-------------------------------------|-------------------------------------|
| a. Steep slopes | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Wetlands (Prime and NWI) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Threatened or endangered species | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Wildlife Action Plan Critical Habitats | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Increased impervious surface | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Potential stormwater flow changes..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Agricultural soils of prime, statewide, or local importance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Potential river channel change | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Other special designations | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Please provide a description for any "yes" responses to question #10.

Slope from abutting property to level of railroad 6-8 feet. Response to request including requirement for engineered stairway design with appropriate setbacks.

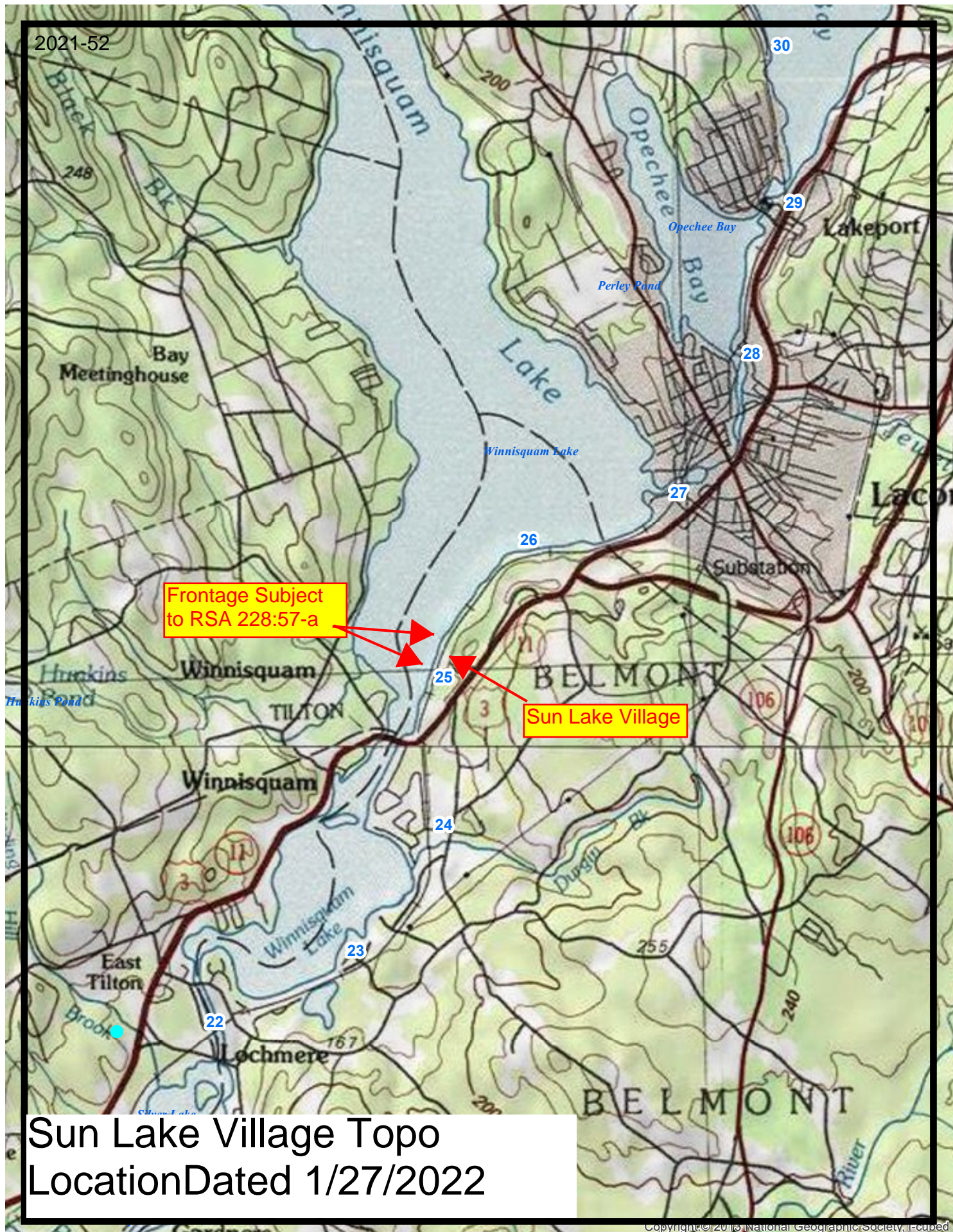
11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within its municipality.

- Municipal tax map copy showing all abutters
- General location map with scale, north arrow, nearby roads, and water bodies/features*
- Aerial Photograph*
- Any site plans for new or proposed development prepared at the time of application
- Maps depicting rail lines, wetlands, conservation lands, rare species and exemplary natural communities or topographic features are welcome but not required

* Maps can be created with GIS, Google, NH GRANIT, or any other readily available mapping service.

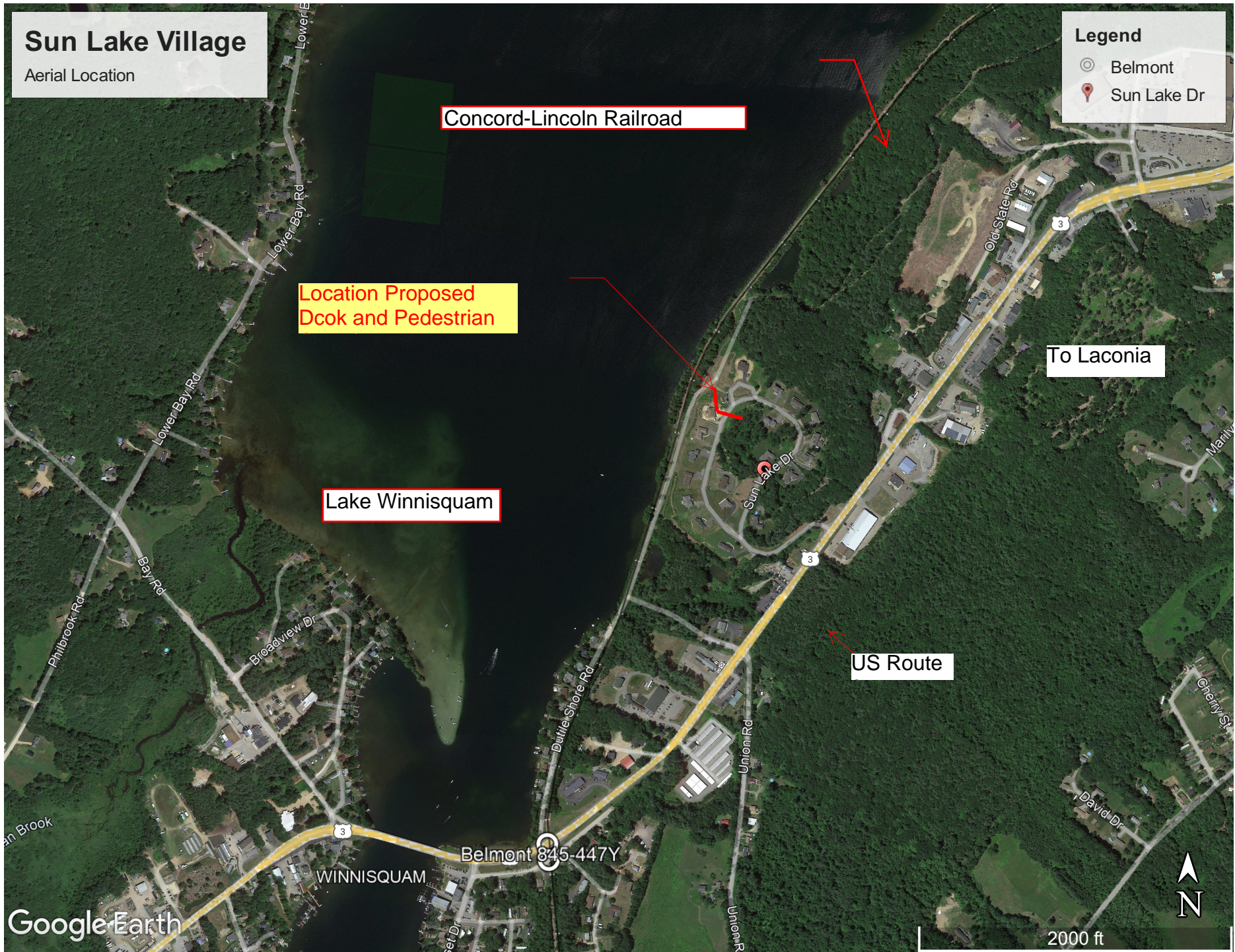
Please paste any maps and photographs submitted as part of this application here.

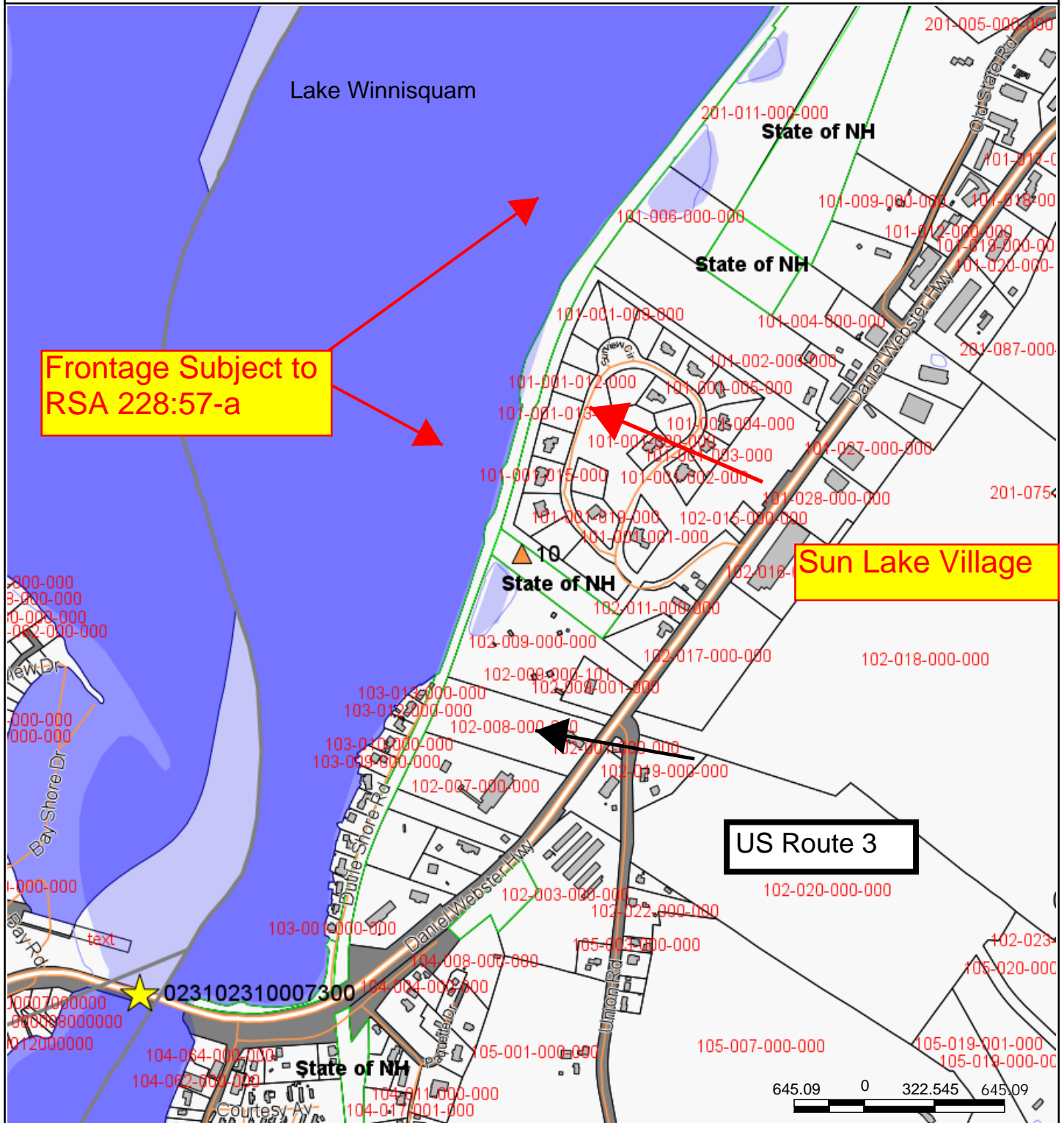
2021-52



Sun Lake Village Topo
Location Dated 1/27/2022

Copyright © 2010 National Geographic Society. All rights reserved.





File # 2021-52

BELMONT, N.H.

LEASE

SUN LAKE

Approximate Crossing Location. Station 1353

BELMON

Lake

| Kind of Instrument | Date of Instrument | Grantor | Grantee | Recorded Book Page, Files of Sec of State NH | Remarks |
|--------------------|--------------------|----------------|------------------|--|---------|
| Award | Aug 3, 1847 | John L. Kezer | B C & M R R | 1 331 Dec 6, 1847 | |
| Warrant | Feb. 3, 1848 | John L. Keaser | " | 13 175 Sept 1, 1851 | |
| Receipt | Feb. 4, " " | " | " | Not recorded | |
| Receipt | Feb. 28, 1846 | " | " | " 12 313 May 20 1848 | |
| Warrant | Jan 30, 1847 | John Ladd | Daniel G Ladd | 10 251 Apr 8, 1847 | |
| " | Feb 6, 1850 | B C & M R R | Charles Randlett | 15 270 Feb 8, 1850 | |
| " | June 19, 1848 | Charles Ladd | B C & M R R | 18 178 Sept 1, 1851 | |
| " | June 20, 1849 | Slepenet Gale | " | " " " " | |
| " | Jan 24 1864 | B & M R R | Kenneth E Shaw | 18 246 " " " | |

Valuation Section 21, Sheet 61

Dated

B. 2023 SLR 002

Request from the New Hampshire Department of Environmental Services (NHDES) to transfer ownership of the Weeks Crossing Dam and associated property and easements to the Town of Warren. The dam is a 113-foot long, 14-foot-high concrete structure with earth abutments. The associated property and easements total 0.42 acres. The dam and property are located on Black Brook off Gould Hill Road in Warren, NH.



New Hampshire Council on Resources and Development

MEMORANDUM

| | |
|--|---|
| TO: CORD Members and Other Interested Parties <i>Via Email Distribution Lists (Bcc)</i> | Grafton County Board of Commissioners c/o Ms. Julie Libby, County Administrator 3855 Dartmouth College Hwy. North Haverhill, NH 03774 <i>Via Email (jlibby@co.grafton.nh.us)</i> |
| Town of Warren C /o Mr. Austin Albro, Town Administrator PO Box 40 Warren NH 03279 <i>Via Email (administrator@warren-nh.com)</i> | Michelle Moren-Grey, Executive Director North Country Council 161 Main Street Littleton, NH 03561 <i>Via Email (mmoren@nccouncil.org)</i> |

FROM: Stephanie N. Verdile, Principal Planner, Office of Planning and Development

DATE: December 15, 2022

SUBJECT: *State Owned Land, Surplus Land Review, Warren, NH
2023 SLR 002*

RESPONSE DEADLINE: **Tuesday, January 3, 2023**

Please review the attached information to determine if your organization has any interest in this transaction. If there is an interest, please provide this office with any comment(s) in writing by the response deadline indicated above. Responses may be emailed to stephanie.n.verdile@livefree.nh.gov

Information regarding CORD and its meetings may be obtained at:
<https://www.nh.gov/osi/planning/programs/cord/index.htm>.

The Department of Natural and Cultural Resources is asked to review this request in accordance with RSA 227-C:9.

Members of the Public Water Access Advisory Board are asked to review this request in accordance with RSA 233-A.

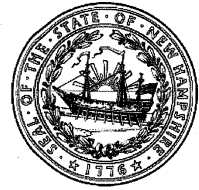
The Lakes Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483-A:5, II.

The Rivers Management and Protection Program, through the Rivers and Lakes Program Coordinator, is asked to review this request in accordance with RSA 483:8, VII and 14.



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



November 18, 2022

SENT VIA ELECTRONIC MAIL

Commissioner Taylor Caswell
NH Department of Business and Economic Affairs
Chair, Council on Resources and Development
100 North Main Street, Suite 100
Concord, NH 03301

Re: Transfer of Weeks Crossing Dam and Associated Property and Easements to the Town of Warren

The Department of Environmental Services (NHDES) proposes to transfer ownership of the Weeks Crossing Dam and associated property and easements to the Town of Warren. The dam is a 113-foot-long, 14-foot-high concrete structure with earth abutments, and the associated property and easements total 0.42 acres. The dam and property are located on Black Brook off Gould Hill Road in Warren.

On July 1, 2017, the state-owned Weeks Crossing Pond Dam in Warren, which was formerly owned by the New Hampshire Fish and Game Department (NHFG), was destroyed during a flooding event. The flood event was declared a major disaster (FEMA-4329-DR-NH) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) for the State of New Hampshire on August 9, 2017, making the state eligible for federal financial assistance to reconstruct the dam. The impoundment formed by the Weeks Crossing Dam provided the Town of Warren with a water supply for fire protection and a wildlife recreation resource for fishing, boating and swimming. For that reason, the Town of Warren and NHFG agreed that, if the state would rebuild the dam with federal assistance, the Town would take ownership of the dam, as well as responsibility for the operation and maintenance of the dam. This request is to fulfill that agreement and transfer ownership and responsibility for the liability and the operation and maintenance of the dam from the state to the Town of Warren.

NHDES is responsible for the repair and reconstruction of state-owned dams and operates and maintains the dams owned by NHFG. To facilitate the transfer of the reconstructed dam to the Town of Warren, NHDES acquired NHFG's property rights associated with the dam, as approved by the Governor and Executive Council on May 20, 2020 (Item #42), which conditioned that acquisition on the ultimate transfer of the property to the Town of Warren. In addition, because the footprint of the reconstructed dam needed to be larger to meet current dam safety standards, NHDES acquired additional property and easement rights from the two adjacent property owners to construct and maintain the dam in the future. This property acquisition was approved by the legislature, as required under RSA 482:44, by enactment of Chapter 195:1 of the Laws of 2019, and approved by the Governor and Executive Council on February 5, 2020 (Item #41).

www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: 271-2867 • TDD Access: Relay NH 1-800-735-2964

CORD 56

Commissioner Taylor Caswell
NH Department of Business and Economic Affairs
Chair, Council on Resources and Development
November 18, 2022
Page 2

NHDES completed the reconstruction of Weeks Crossing Dam in the fall of 2021, with 75% of the funding provided by the Federal Emergency Management Agency in disaster relief funds from the federally declared disaster. Now that the reconstruction of the dam is complete, NHDES is seeking to transfer ownership of the dam and the property and easements needed to operate and maintain the dam to the Town of Warren.

Please submit this proposal to the Council on Resources and Development (CORD) for review at its next meeting. If you have any questions, please contact either Corey Clark at (603) 271-8871 or Patrick Bell at (603) 271-1960.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert R. Scott", written in a cursive style.

Robert R. Scott
Commissioner

ec: Stephanie N. Verdile, Principal Planner, Office of Strategic Initiatives

Council on Resources and Development
REQUEST FOR SURPLUS LAND REVIEW ACTION

Name of Requesting Agency: New Hampshire Department of Environmental Services

Agency Contact Person: Corey J. Clark, P.E.
Address: 29 Hazen Drive, P O Box 95 Concord, NH 03302-0095
Phone Number: 603-271-8871
E-Mail: Corey.J.Clark@des.nh.gov

Applicant Contact Person: Patrick L. Bell, LLS
Address: 29 Hazen Drive, P O Box 95 Concord, NH 03302-0095
Phone Number: 603-271-1960
E-Mail: Patrick.Bell@des.nh.gov

Location of Property: Gould Hill Road, Warren NH Tax Map 221, Lots 17 & 18

Acreage: Total Easement area = 18097.0 sq. ft. or 0.42 acres

Requested Action: Surplus to the Town of Warren

Term of Lease or Easement: Perpetual

.....

Please complete ALL questions below, submit one digital copy, one hardcopy with original signatures, and three photocopies of the completed application to:

NH Bureau of Economic Affairs
NH Office of Planning & Development
100 North Main St, Suite #100,
Concord, NH 03301
Attn: Stephanie N. Verdile, Principal Planner stephanie.n.verdile@livefree.nh.gov

1. What is the current use of this property?

A state-owned dam impounding an 8-acre pond

2. What is the proposed use of this property if surplusd? Please note if proposed use is intended to create a public benefit.

The property will continue its current use. The dam will become a town-owned dam, and its impoundment will continue to provide the public benefits as a water supply for fire protection and as a wildlife management and recreation resource for fishing, boating and swimming.

3. Does the proposed use of this property entail new development? ☐ Yes ☒ No

- a. If yes, is it consistent with adjacent and existing development? ☐ Yes ☐ No
- b. Please describe how the proposed new development differs from or is similar to its surroundings. Also indicate how it may initiate a future change in the use of the property or its surroundings.

4. Are there any structures located on this property? ☒ Yes ☐ No

- a. If yes, please describe the structures including how many and what kind?

A concrete dam.

5. Are there historical architectural or archaeological resources identified on this site?

☐ Yes ☒ No

a. If yes, describe the resource(s)?

b. If no, contact the NH Division of Historical Resources prior to application submission.

6. Is there any existing development or structures on adjacent sites? ☒ Yes ☐ No

a. If yes, describe the use and number of structures of adjacent sites.
If no, where is the nearest development? (Describe distance, use, and number)

There is a summer home located on the shore of the impoundment with a few year-round/summer homes and cabins in the immediate vicinity. The land surrounding the pond is generally privately owned and undeveloped. The impoundment is also within property owned by the United States Department of Agriculture (USDA), Forest Service, White Mountain National Forest (WMNF).

7. Does the site represent the entire state property in this location? ☒ Yes ☐ No

a. If no, please describe its relationship to the entire state holding (percentage of total acreage, percentage of overall rail length, etc).

8. Is access to this property available? ☒ Yes ☐ No

a. If yes, how is the site accessed? (from rail, water, across applicant's property, etc)

Access to the property is from Gould Hill Road

b. If yes, is there a potential for public access interruption? ☐ Yes ☐ No

9. Are there water resources related to this property, such as:
Lakes/Ponds - ☒ Yes ☐ No OR Rivers - ☐ Yes ☐ No OR Wetlands - ☐ Yes ☐ No?

a. If yes, please indicate the size or extent of such resources.

Weeks Crossing Pond is an 8-acre impoundment.

b. If yes, briefly describe how the requirements of RSA 483-B (Shoreland Water Quality Protection Act) apply to potential development of this property:

Since the impoundment has an area of less than 10 acres, the requirements of RSA 483-B (Shoreland Water Quality Protection Act) does not apply to this property.

c. If yes, briefly describe how any municipal zoning requirements for buffers or setbacks from lakes, rivers or wetlands apply to potential development of this property:

There are no municipal zoning requirements for buffers or setbacks that apply to this property

d. Is the property within 250 feet of a lake/pond or river/stream? ☒ Yes ☐ No

e. If lakes or rivers are related to this property, describe current public or private access from the site to the water body? ☒ Public ☒ Private ☐ No Access Available

Description: Public access is via Gould Hill Road and over the earthen abutments of the dam, and private access is through private property abutting the waterbody.

f. How would the proposal affect the access opportunities described in e?

No change. Both public and private access will be maintained.

10. Please identify any other significant resources or sensitive environmental conditions known to be located on or adjacent to this property.

| | Yes (property) | Yes (adjacent property) | No |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| a. Steep slopes | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Wetlands (Prime and NWI) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Threatened or endangered species | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Wildlife Action Plan Critical Habitats | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Increased impervious surface | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Potential stormwater flow changes..... | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Agricultural soils of prime, statewide, or local importance | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Potential river channel change | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Other special designations | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

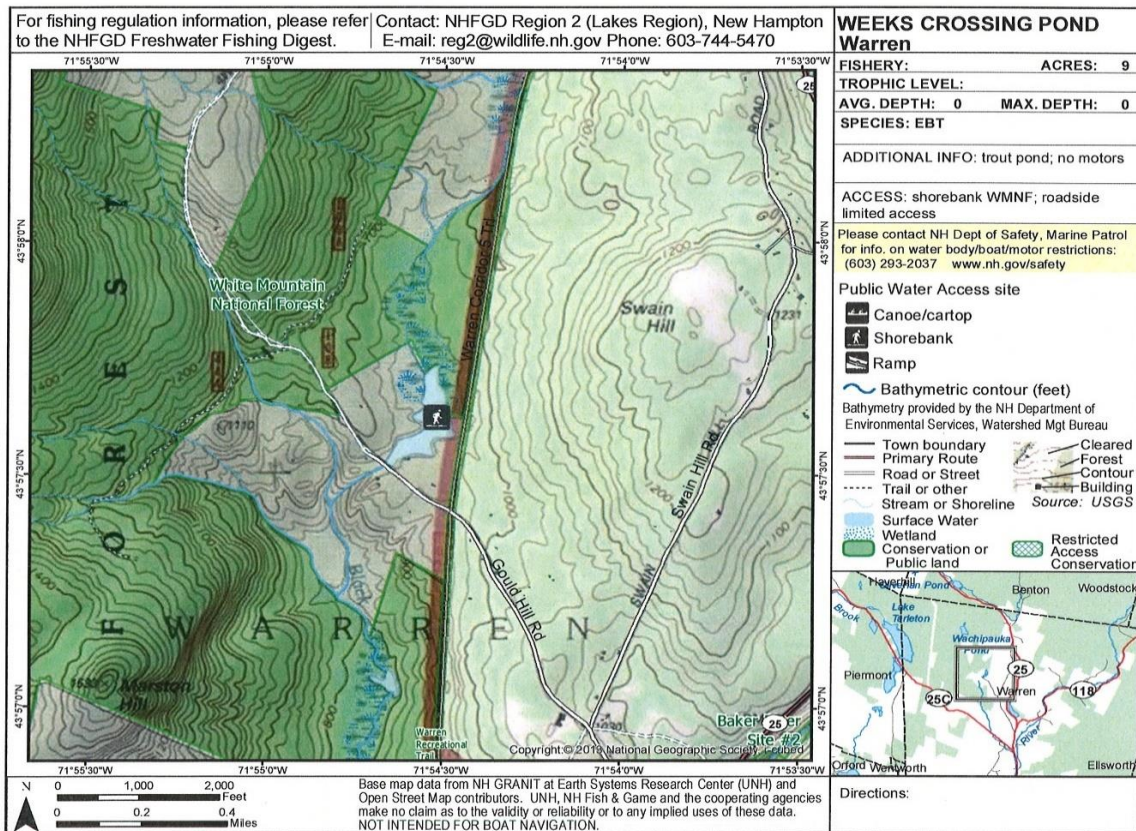
Please provide a description for any "yes" responses to question #10.

- a. The area is on Monadnock and Hebron soils with slopes of 15 to 35%
- b. The wetlands consist of peatlands north of the property and a freshwater pond surrounded by a freshwater forest shrub and riverine wetland
- c. The U.S. Fish and Wildlife Service has identified that the northern long-eared bat could potentially be in the area.

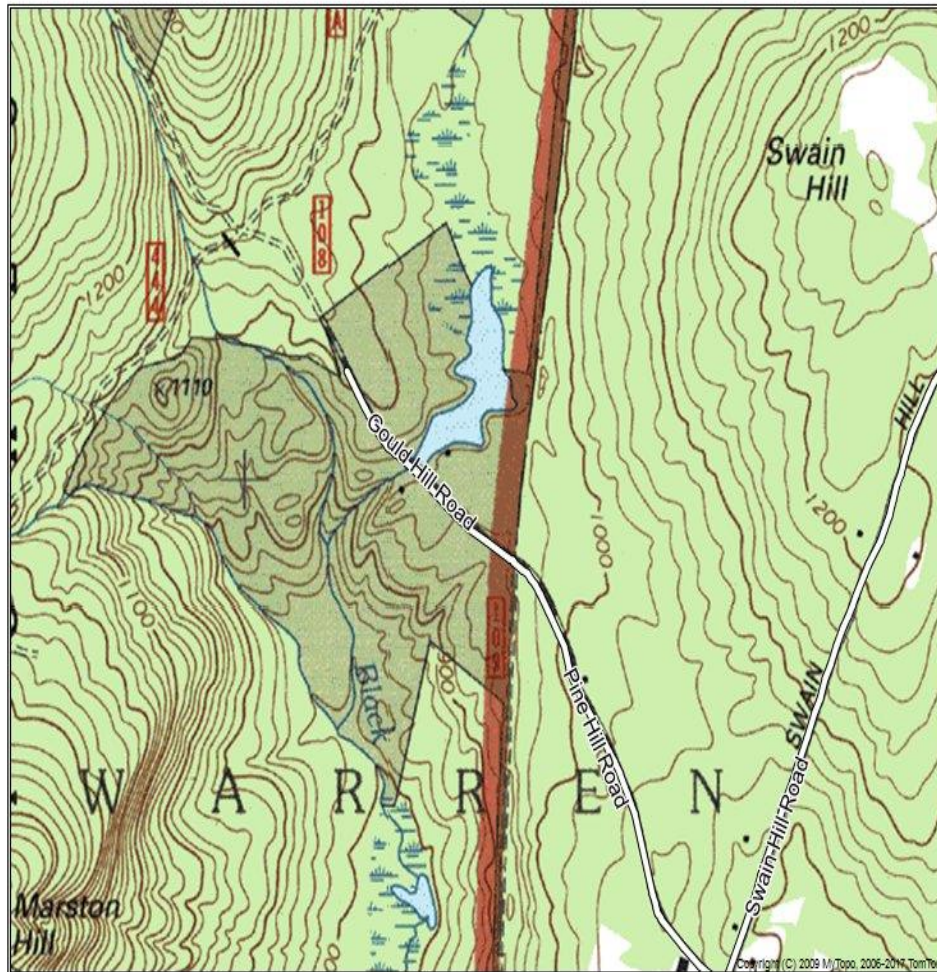
An Environmental Assessment performed by the Federal Emergency Management Agency determined that reconstruction and maintenance of the dam on the have no significant impact on the quality of the human environment on the property.

11. Attach photographs and maps of the property. Maps should highlight the requested property location and help to adequately place the property within the town.

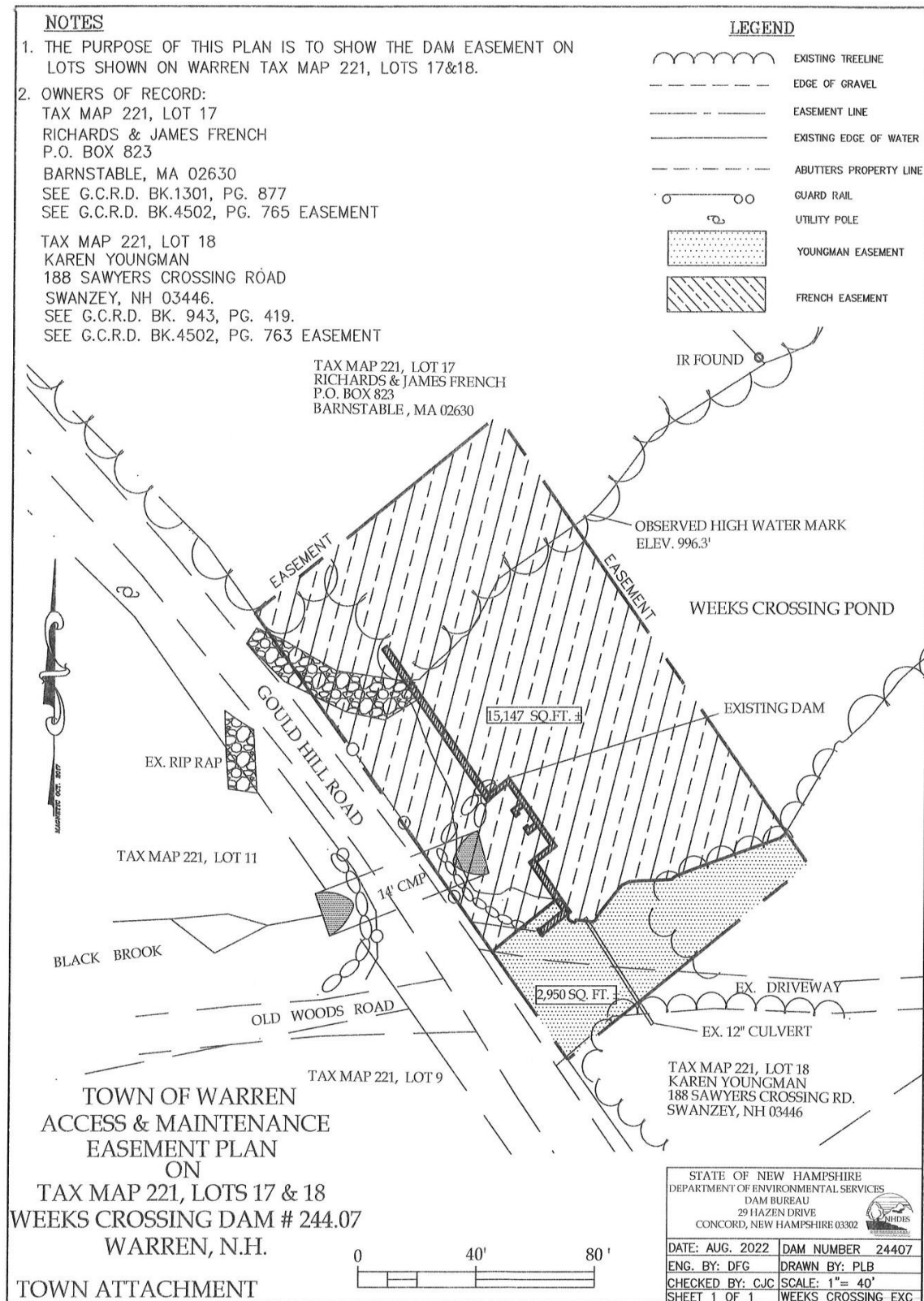
- a. Warren tax map showing all abutters see page 4.
- b. NHFG general Fishing digest map see page 5.
- c. USGS Map page 6.
- d. Easement Plan by NHDES page 7
- e. Photos of dam area pages 8-11



NHFG general Fishing digest map



USGS Map



Easement Plan by NHDES for the Town of Warren

Weeks Crossing Dam Photos



Photo 1: Weeks Crossing Dam looking northwest before failure. 7/2010



Photo 2: Looking northeast at failed Weeks dam and washed-out Gould Hill Road in 7/2017.



Photo 3: At repaired Gould Hill Road looking northeast at former Weeks Pond.



Photo 4: At repaired Gould Hill Road and culvert looking northwest 10/2018.



Photo 5: New Weeks Crossing dam looking southeast 11/2021.



Photo 6: New Weeks Crossing dam looking northeast at Pond 11/2021.



Photo 7: New Weeks Crossing dam looking northwest at pond 11/2021.



Photo 8: New Weeks Crossing dam looking southeast at road 11/2021.

January 3, 2023

Stephanie N. Verdile
NH Office of Planning and Development
100 N. Main Street, Suite 100
Concord, NH 03301

Re: State Owned Land, Surplus Land Review, Warren, NH
2023 SLR 002 (DHR# 14518)

Dear Ms. Verdile:

In accordance with RSA 227C-9, the Division of Historical Resources (DHR) has been asked to comment on the parcel of state-owned land referenced above.

The project involves a state-owned dam impounding an 8-acre pond in Warren, NH. The property will continue its current use. The dam will become a town-owned dam, and its impoundment will continue to provide the public benefits as a water supply for fire protection and as a wildlife management and recreation resource for fishing, boating and swimming.

The DHR does not object to the proposed transfer of the current Department of Environmental Services-owned property.

Please note that the DHR requires 30 days' notice to review projects under our jurisdiction. Should you have any questions regarding these comments, please feel free to contact me at 271-6628.

Sincerely,

Nadine Miller

Nadine Miller
Deputy State Historic Preservation Officer

CORD 69