

State of New Hampshire
DEPARTMENT OF NATURAL & CULTURAL RESOURCES
DIVISION OF PARKS & RECREATION

172 Pembroke Road Concord, New Hampshire 03301
Phone: 603-271-3556 Fax: 603-271-3553
TDD Access: Relay NH 1-800-735-2964
nhstateparks.org



January 15, 2025

The Honorable Robert Harb
and the Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB127-FN extending the closing date of the OHRV trails on the Connecticut River Headwaters property from September 30 to Columbus Day.

Dear Chair Harb and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation (the "DNCR") regarding HB127-FN extending the closing date of the OHRV trails on the Connecticut Lakes Headwaters property from September 30 to Columbus Day. The DNCR recognizes the importance of NH's tourism economy as it balances the requirements of the CLH Conservation Easement, consults with the Connecticut Lakes Headwaters Citizens Committee, and works with its partners and stakeholders.

We respectfully provide you with the following information.

The Connecticut Lakes Headwaters property. In 2001, the Trust for Public Lands (the "TPL") purchased 171,500 acres of commercial forest land from International Paper Company. Working with conservation organizations and the State, the TPL developed a long-term conservation strategy for maintaining timber production, natural resource values, and public use of the property. To realize this collective vision for the property, the TPL:

- Sold 146,400 acres to a private landowner, currently Aurora Sustainable Forestry, to be managed as a Working Forest with land use restrictions;
- Conveyed to the State, DNCR, 269 miles of the approx. 424-mile road network on the Working Forest to be managed for public access, recreation and forest management activities;
- Conveyed to the State, Fish and Game Department (the "NHFG"), 25,000 acres to protect highly sensitive Natural Areas;
- Conveyed to the State, DNCR, 100 acres to accommodate future expansion of the Deer Mountain Campground that abuts the Working Forest; and
- Obtained a conservation easement on the Working Forest and fee ownership of the other properties through \$13,500,000 in grants from the Forest Legacy Program, the Land and Community Heritage Investment Program (LCHIP) and \$10,000,000 from General Fund appropriations.

Management of the CLH property. The current management organizations for the property, known as the Connecticut Lakes Headwaters (the "CLH"), are the DNCR through its Forests and Lands and Parks and Recreation divisions, the Fish and Game Department and the private landowner, Aurora Sustainable

January 15, 2025

Chair Harb and the Resources, Recreation and Development Committee

Page 2

Forestry. The management of the property is also guided by the Connecticut Lakes Headwaters Citizen Committee (the "CLHCC"), in accordance with RSA 12-A:9-b. The duties of the CLHCC include (emphasis added):

"(b) Providing advice to the department of natural and cultural resources and the fish and game department on the management of public recreational use of the Connecticut Lakes headwaters tract, including the siting and approval of the first 10 new leases, the seasonal use of the road system, snowmobile trails and their use, and the terms for access and use of the tract by motorized vehicles. Such advice shall be offered in cooperation with the private landowner.

One concern to consider is the passing of this bill may be in conflict with the above existing statute.

The Conservation Easement. The *Grant of Conservation Easement* (the "Easement") is the primary management document for the CLH property consisting of the terms, covenants, restrictions and affirmative rights granted to the Easement Holder and the Fee Owner.

Section 5D.i of the Easement requires the DNCR to develop, in consultation with the Landowner, a Public Access and Recreation Use Management Plan and a Road Management Plan which is consistent with the Purposes, Stewardship Goals, Road Management Agreement, and Stewardship Plan. These plans must also state how and in what time frame the DNCR will achieve or progress toward attaining Easement Stewardship goal 2.C.i-xiii that states:

"Maintenance and enhancement of a range of non-motorized, natural resource-based, outdoor recreational opportunities for the public, as well as maintaining opportunities for snowmobiling on Designated Snowmobile Trails (as defined in Section 5.A), and motorized recreational uses by the public on Designated Roads (as defined in Section 5.D) as agreed to by the parties."

The permitted recreational uses are listed in the property easement (Section 5.A.i-vi) or documented to have been a permitted public, non-commercial use and are described as "natural resource-based". The following definitions were clarified in the initial plan and have been adopted to mean:

- Natural Resource-based Use means any outdoor recreational activity which depends upon backwoods setting for its pursuit and enjoyment.
- Primary Use means any natural resource-based use which is explicitly allowed under the terms of the Grant of Conservation Easement (Section 5.A.i.a) or documented to have been a permitted public, non-commercial use at the time of the Easement.
- Secondary Use means any natural resource-based public use which is not explicitly allowed under the terms of the Grant of Conservation Easement or was included as a use which did not exist at the time of the Grant of Easement and were permitted through the Initial Plan.

ATV use is considered a secondary use with permitted use on designated road (see baseline documentation).

The Public Access and Recreation Use Management Plan. The CLHCC met five times over the course of 2022-2023 to discuss public access and recreation goals, solicit and evaluate proposals for new or expanded recreational use and make recommendations. In addition, a survey was released to ask what new or expanded uses to be considered or to address current management needs. We did not receive a request to extend the ATV season on this property. All meetings were publicly noticed and notices were sent to the

January 15, 2025

Chair Harb and the Resources, Recreation and Development Committee

Page 3

CLH host communities and an extensive stakeholder email list. Meeting materials and meeting notes are posted on the CLHCC webpage. The CLHCC recommended the adoption of the 5-year Management Plan 2024-2028 at their May 10, 2024 meeting.

The Request to Extend the OHRV Season. In June 2024, the DNCR received requests from two ATV clubs and the Town of Pittsburg to extend the OHRV riding season from the current September 30th closure date to Columbus Day Weekend. The DNCR sought input from the CLHCC and the NHFG regarding the request. Several CLHCC members opposed the extension of the ATV season and NHFG recommended keeping the OHRV closure date of September 30th due to the October 1 opening date for small game hunting and the hardship for its Conservation Officers covering the CLH property should the OHRV season be extended. On July 15, 2024, DNCR Commissioner Stewart issued her decision to keep the closing date of the OHRV riding season to September 30th.

In August 2024, the DNCR received a signed petition from the Town of Pittsburg Board of Selectmen and the Great North Woods Riders ATV Club requesting that the DNCR reconsider its decision. NHFG Executive Director Mason and Division of Parks and Recreation Director Brian Wilson met with a group of Pittsburg business owners to discuss the request for reconsideration.

The NHFG Commission met in August and voted unanimously to oppose the extension of the ATV season on the CLH property. On September 12, 2024, the CLHCC held an open meeting at the Pittsburg fire station to take public input. At the end of the meeting, the CLHCC voted 6 to 3 to oppose the request to permanently extend the ATV trail season on this property.

On September 30, 2024, the DNCR Commissioner Stewart decided to keep the existing calendar for OHRV use so as to maintain the balance of multiple constituencies/user groups based upon the recommendations from the Landowner, the NHFG and the CLHCC.

In her decision statement in September, Commissioner Stewart asked that any future requests to alter the ATV riding season on the CT Lakes Headwaters Property be submitted in writing by April 1st so that landowners and managers and other stakeholders can work towards agreement for yearly operations.

Thank you for the opportunity to provide testimony on this bill. Please feel free to contact us should you have any questions.

Sincerely,



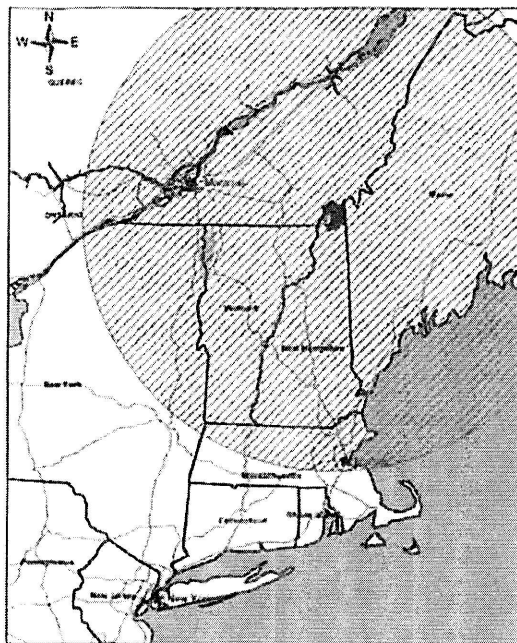
Brian J. Wilson
Director

Cc: Sarah L. Stewart, DNCR Commissioner

BJW/ttl-011525



Connecticut Lakes Headwaters Working Forest



The Property and It's Managers:

In 2001 the Trust for Public Lands purchased 171,500 acres of commercial forest land, the single largest contiguous private ownership in New Hampshire from International Paper Company. *This area comprises the northern-most tip of the state, about one fortieth of its total area.* Working with other conservation organizations and the State, the Trust for Public Lands developed a long-term conservation strategy for maintaining timber production, natural values, and public use of the property.

To realize the collective vision for the property, the Trust:

- Sold 146,400 acres (about 229 sq miles) to a private landowner, the Connecticut Lakes Realty Trust, to be managed as a Working Forest with land use restrictions.
- Designated and conveyed to the State of New Hampshire, Department of Natural and Cultural Resources, 269 miles of the 424-mileplus network on the Working Forest to be managed for public access and recreation and forest management activities.

- Conveyed 25,000 acres to the State of New Hampshire, Fish and Game Department to protect highly sensitive Natural Areas.
- Conveyed 100 acres to the State of New Hampshire, Department of Natural and Cultural Resources, through fee simple sale to accommodate future expansion of the Deer Mountain Campground which abuts the Working Forest; and
- Obtained a conservation easement on the Working Forest and fee ownership of the other properties through \$13,500,000 in grants from the Forest Legacy Program and Land and Community Heritage Investment Program (LCHIP) and \$10,000,000 from General Fund appropriations.

The three current management organizations are.

- Department of Natural and Cultural Resources through its Forests and Lands and Parks and Recreation divisions
- Fish and Game Department
- Private landowner, Aurora Sustainable Forestry.

The management of the property is also guided by the Connecticut Lakes Headwaters Citizen Committee per RSA 12-A:9-b.

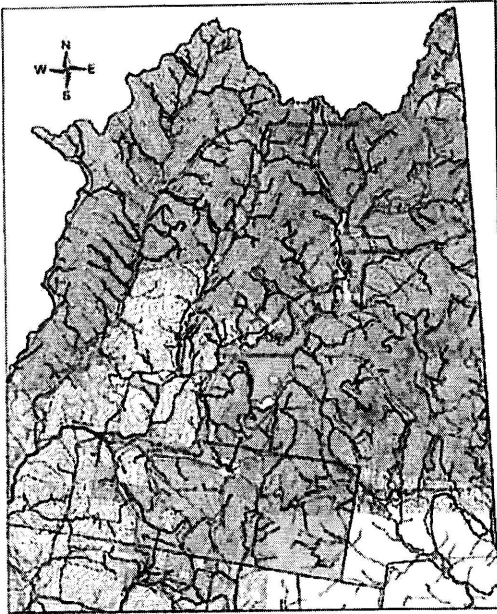
Connecticut Lakes Headwaters Citizens Committee

The duties of the committee include:

- (a) Providing advice to the monitoring entity for monitoring compliance with the terms and conditions of the working forest conservation easement covering approximately 146,400 acres of the Connecticut Lakes headwaters tract.



Connecticut Lakes Headwaters Working Forest



(b) Providing advice to the department of natural and cultural resources and the fish and game department on the management of public recreational use of the Connecticut Lakes headwaters tract, including the siting and approval of the first 10 new leases, the seasonal use of the road system, snowmobile trails and their use, and the terms for access and use of the tract by motorized vehicles. Such advice shall be offered in cooperation with the private landowner.

(c) Providing advice on the management of state park and natural areas within the tract owned in fee by the state.

(d) Providing advice to the department of natural and cultural resources and the fish and game department on any proposed revision to the stewardship or management plans required by the conservation easements on the 146,400 acres or the natural areas and, should amendments to these easements ever be contemplated, on the proposed amendments.

(e) Exercising authority to decide if 15 leases in addition to those in subparagraph (b) should be allowed and where such

leases should be located, if the private owner or any future private owner requests this action.

(f) Exercising authority to decide if the private buyer, or any future private owner, should be allowed to exercise its rights under the conservation easement for commercial recreational activities for which the private owner may charge fees.

(g) Exercising authority to decide if the state can build structures for visitor support facilities as described in the conservation easement for the 146,400 acres.

(h) Providing advice to the department of environmental services on the management of Lake Francis and approximately 2,676 upland acres of state-owned land known as the Lake Francis impoundment property, including the lease program for the property established under RSA 481:3-a and administered by the department of environmental services.

VI. The commissioner of the department of natural and cultural resources shall designate a state employee from the department as the administrative officer of the committee. The administrative officer shall attend each meeting of the committee and provide recordkeeping and related administrative and clerical assistance to the committee.

VII. The terms and provisions of the conservation easements shall at all times provide the legal basis for the committee's advice and authority, and any legal opinion of the easement's terms shall be rendered by the attorney general.

Conservation Easement

The *Grant of Conservation Easement* is the primary management document for the Connecticut Lakes Headwaters property consisting of the terms, covenants, restrictions and affirmative rights granted to the Easement Holder and the Fee Owner.

Section 5D.i of the Easement requires the Division to develop in consultation with the Landowner a *Public Access and Recreation Use Management Plan* and *Road Management Plan* which is consistent with the Purposes, Stewardship Goals, Road Management Agreement, Stewardship Plan and must state



Connecticut Lakes Headwaters Working Forest

how and in what time frame DNCR plans to achieve or progress toward attaining Easement Stewardship goal 2.C.i-xiii.

These plans are developed in consultation with the Connecticut Lakes Headwaters Citizens Committee who recommended the adoption of the 2024-2028 plans in May 2024.

Recreation Management

The permitted recreational uses are listed in the property easement (section 5.A.i-vi) or documented to have been a permitted public, non-commercial use and are described as "natural resource-based". The following definitions were clarified in the initial plan and have been adopted to mean;

- Natural Resource-based Use means any outdoor recreational activity which depends upon backwoods setting for its pursuit and enjoyment.
- Primary Use means any natural resource-based use which is explicitly allowed under the terms of the Grant of Conservation Easement (Section 5.A.i.a) or documented to have been a permitted *public, non-commercial use* at the time of the Easement.
- Secondary Use means any natural resource-based *public* use which is not explicitly allowed under the terms of the Grant of Conservation Easement or was included as a use which did not exist at the time of the Grant of Easement and were permitted through the Initial Plan.

Primary uses include the following:

- Bicycling*
- Camp Leases
- Boating
- Nordic skiing
- Dog sledding#
- Driving for pleasure*
- Open space enjoyment
- Fishing
- Gathering wild edibles
- Hiking
- Hobby mineral collecting
- Hunting
- Nature observation
- Photography
- Picnicking
- Shed hunting
- Snowmobiling#
- Snowshoeing
- Swimming
- Target and skeet shooting
- Trapping
- Walking
- Wildlife viewing

* Use permitted on designated roads (see baseline documentation)

Use permitted on designated snowmobile trails (see baseline documentation)

Secondary uses include the following:

- ATVs*
- Camping
- Equestrian Use
- Special Use Permits

* Use permitted on designated roads (see baseline documentation)