

**Nash Stream Advisory Team Meeting
10/06/09**

Fred King called the meeting to order at 6:00pm

The Commissioner summarized what happened at the previous meeting; the leases, wetland issues, etc.

Bill Carpenter gave a synopsis on draft recommendations from the previous meetings. They had a total of 53 in attendance and 19 comments provided from the camp owners.

Commissioner Bald reviewed the recommendations from the Division of Forests and Lands

(Refer to Recommendations regarding Nash Stream Forest Camp Leases and Usage of Trio Ponds and Whitcomb Pond Roads at end of these minutes.)

Once the recommendations had been reviewed, the floor was opened to questions and comments.

Wink Lees asks for clarification on “fixing” the wetlands.

- Bill responds by saying that we will be going by the recommendations of DES.

Tom Bushey asks about the wetland leading to Randy Beatons camp, whether it is a minimum or minor impact.

- Bill says that it is a minimum therefore will be fixed and crossable.

ALL minimum impact wetlands on Trio Pond and Whitcomb Pond Road will be fixed.

Wink Lees says that the trail around the wetland leading to Whitcomb Pond is still wet and should be delineated by a wetland scientist.

- Bill says that it was walked and delineated when they were up there with the scientist.

Wink continues to ask about non-jurisdictional wetlands and how they will be handled.

- Bill says that stone will be placed anywhere that it is needed.

Someone from the public commends the staff on a job well done.

Mary Slote adds that this has been a wet season and a good test of where any wetlands are and what is really wet.

Bruce Filmore asks about the minimum time frame between appraisals.

Does it have to be 5 years; could it be spread further apart?

- The Commissioner says that we don't need to do it every 5 years, but that is when towns are obligated to re-appraise; and in some instances camp owners may want us to re-assess. (Values may go down)

The commissioner tells everyone to send comments to him within 14 days.

Meeting is adjourned at 6:40.

RECOMMENDATIONS
REGARDING
NASH STREAM FOREST CAMP LEASES
AND
USAGE OF TRIO PONDS AND WHITCOMB POND ROADS

Recommendation #1: Change policy to enact a three-tiered lease rate structure using the upper and lower levels as recommended by the assessor, and a third mid-rate as indicated below:

Level 1 (waterfront w/vehicular access):	\$1,025
Level 2 (waterfront w/out vehicular access):	\$950
Level 3 (basic)	\$870

Reasoning: The camp lease rates at Nash Stream Forest have been well below fair market value for a number of years. Given that this is public property, and these camp owners receive an additional benefit of enjoyment of this public property over most citizens, the State should not be subsidizing the camp lessees. The appraiser hired by DRED recommended three levels of camp lease rates, one for "waterfront", a second for "view/brook front" and a third for "basic". Because of the inherent/subjective difficulties with defining view and brook side (which involved 69 of the 91 sites), we recommend grouping the "view/brook side" sites with the "basic" sites. These rates were determined based on comparable leases in five similar areas. It is important to note the appraiser appraised the pond sites as walk-in sites, not based on vehicular access. It should also be noted the appraiser used conservative figures, and based on the proposal to upgrade the wetland crossings the appraiser suggested raising the rates on the waterfront rather than lowering the rates for those waterfront camps without vehicular access. However, given

the public meetings advertising the initial rates, it is felt to raise them higher now would not be prudent. Instead, a recommendation is that we create a third, middle tier to recognize those waterfront camps that do not have vehicular access (1 camp @ Trio, 4 camps @ Little Bog).

Recommendation #2: Phase in new lease rates over a three (3) year period

Reasoning: Given the change in policy, the current state economic climate, and research into other organizations that have initiated camp lease increases, it is felt that a three-year phase-in would be the most fair and appropriate approach.

NOTE: All parties must realize that the annual rent remains subject to the Consumer Price Index (CPI) during this 3-year phase in of the new rates. Therefore, each camp owner will experience a rate hike increase for four of the next five-year lease term as follows:

- 2009 (current year) – 13% increase based on CPI
- 2010 – 1/3 of proposed increase
- 2011 – 1/3 of proposed increase
- 2012 – 1/3 of proposed increase
- 2013 – no increase (last year of the normal 5 year lease renewal period)

Recommendation #3: Fix all minimum impact wetland crossings on Trio Ponds Road and Whitcomb Pond Roads (total of 38 crossings)

Reasoning: In the original Nash Stream Management Plan, the long-term goal was to terminate all camp leases by June 30th, 2039. However, in recognition of the historic camp culture that has been present at Nash Stream for many decades, a decision was made by DRED in 2002 to allow the existing camps to continue in perpetuity under certain circumstances. Given this change in policy that reflects the support of the historic usage of the camps and access into the ponds for recreation, these two roads will continue to be used well into the future, as they have been for many decades prior. Therefore, in an effort to protect the environment and mitigate future impacts to jurisdictional wetlands, it is recommended that all minimum impact wetland crossings (38 in total) be brought to current legal standards with adequate crossings to allow vehicular passage during summer months. Since these wetlands are small in size and only considered minimum impact, one minimum impact wetland permit could be filed with DES for all 38 crossings. The approximate cost to upgrade these minimum impact crossings is \$35,000. The upland portion of these roads would remain non-improved to deter any increase in vehicular travel above historic usage.

NOTE: 1) For the readers information, the License states “The RENT received by the STATE is for the use of the LICENSED SITE only and is not to be construed as providing the LICENSEE with any greater rights of access over the PREMISES than is provided to the general public, or to create any greater obligation on the part of the STATE to provide access beyond that obligation to the general public. The RENT received from the LICENSEE is not considered as payment of a fee to use the roads accessing the LICENSED SITE”.

Recommendation #4: Clear approximately 360 feet of new roadway around the large “perched” wetland near the vicinity of Whitcomb Pond, which has been the traditional vehicular way to the pond. The proposed new way is presently a walking path that impacts no wetland soils and could be widened to 10 feet, more or less. The estimated cost is \$1,200. (see attached sketch)

Recommendation #5: Propose a new classification of road (Class E) within the Nash Stream Management Plan to address summer vehicle usage on sections of Trio Ponds and Whitcomb Pond Roads.

Summer, Class E non-gravel light use – Roads used for light and infrequent vehicular usage. These roads have little to no surfacing and usually no added fill except in drainage features. Drainage structures are not removed. These roads can be temporarily closed when required such as during spring breakup or if vehicular traffic exceeds the capacity of the road or drainage structures.

Reasoning: Under the current Nash Stream Forest Management Plan, both Trio Ponds and Whitcomb Pond Roads are listed as “Winter, Class D Non-gravel, Restricted Use”. These roads are limited to frozen-ground conditions, and for temporary use only, being closed between uses. Given the historic use of these roads in non-frozen conditions, and the proposal to fix the minimum impact wetland crossings which would mitigate any future degradation to the wetlands, a new classification of road is recommended to reflect light-usage during non-frozen ground conditions. These roads would still remain open for frozen-ground conditions in addition to light summer usage.

Recommendation #6: Include new language in the camp lease policy that allows for a re-appraisal of the camps for the determination of fair market rent.

Reasoning: Under current policy, the lease rates are adjusted every five years based on an aggregation of the CPI for the previous five years. However, it is felt that in addition to using CPI, future reappraisals may need to be conducted to reflect the actual market value, which may go up or down. For instance, if fair market value is determined in 2019 to be below the aggregation of CPI for the previous ten years, the lease rates would be lowered. If the appreciation in market value exceeded that of the CPI, the lease rates would be increased to reflect that change. Therefore, it is recommended that the policy state that the Commissioner of DRED, and the Director of the Division of Forests and Lands, reserve the right to conduct future re-appraisals of the camp rents to evaluate “market rent” if deemed necessary and prudent.