

Franconia Conservation Commission (FCC) - draft

Meeting: Dec 5, 2023, 3 pm at Town Hall.

Members present: Chris Nicodemus (Chair), Ginny Jeffryes, Jill Brewer, Mary Grote, Red McCarthy, Art Daily

Guests: Conor McCourt (ACT Trails Manager and Conservation Project Assistant), Rosalind Page (ACT), Steve Schwartz (Planning Board), Michelle Sauque, Julie Weisman

Self-Introductions of members and guests occurred.

Chris: Michelle and Julie want to join FCC. Requests a motion for that. Red moves that Michelle and Julie become alternate members of the FCC. Jill seconds. Unanimous votes in favor. Jill will bring to SB to appoint.

Chris: ACT is here to continue the process of the conservation easement on parcels 17-2 and 17-3.

Rosalind: Says she and Conor will be working together on all the easement steps. Any communications should go to both of them. The next ACT step: Their lawyer to do the preliminary title review. Next Franconia CC task and the reason for ACT attendance today is to talk about the easement document; enumerate the rights reserved and the rights relinquished in the easement. Usually in easements if there are trails, existing trails are grandfathered, but any new trails need approval from ACT. If trails, will they be pedestrian, or wheeled, or snowmobiles, horses? Any educational activities planned? Any Kiosks? Water rights? These get enumerated in the easement document. Chris: We haven't discussed it but Elise Lawson walked it in October, and sent us a preliminary wetlands map and recommendations which he sent out in October. Elise's map distributed. Chris notes that her report mentions that she thinks there are even more wetlands than are shown on the official GIS maps. A wet property generally. Rosalind says that not being wetlands scientists, ACT will not be doing their own mapping but Conor and Jesse Mohr [ACT's ecologist] will be looking at all the state's GIS layers. Conor says that after creating the map, they will walk the property to verify info. Chris says that the state GIS layers have an error and underestimate the flow through Meadow Brook because the GIS map erroneously deflects some of the drainage into Mary's property.

Discussion about wetlands and trails: Ginny proposes we should have no trails allowed due to extensive wetlands – only NW corner of map is dry - and small total property acreage. Jill thinks maybe put in one foot trail, to keep people confined to a narrow area to prevent trampling. There are currently no trails on it. Not very accessible due to across brook from Lawrence Forest and Schmidt property. Chris mentions that due to lack of human access and wetlands, it looks like good wildlife habitat. He agrees that human trails should be limited. Says we need to remember for easement that though it's inaccessible now, it may be more accessible in the future depending on nearby land development. Rosalind says that list should be framed around this land's conservation values, which include wildlife habitat, water quality protection, wetlands protection, climate resilience. She hears that these are the values we are trying to reserve. Lower on the priority list for this particular parcel is recreation. She thinks having one trail for transit through it is an option. Red thinks we should preclude active recreation in there. He thinks there should be no trails due to the wetland and wildlife values. Julie favors no recreation because there will be fewer and fewer wet habitats like this in future. Rosalind points out that it appears to be at least 25 acres of wetlands, which is high value size. Conor says that elevated wooden boardwalks can help protect wetlands rather than access via bushwhacking – it's a way of managing access to protect: example is if a rare bird shows up, we don't want people trampling.

Ginny asks how the easement language could make it clear that such a trail was not to promote recreation there. Rosalind says their conservation easement attorney will come up with the protective language. Today ACT is here to get idea of our priorities for the property, not the specifics. The easement specifics and language will be a back and forth process from the lawyer. Jill thinks Conor's point is good, and that maybe one foot trail allowed for protection. Conor says the easement can specify where that would be allowed based on ecologist input. Red is concerned that a trail would invite people in. Michelle wonders about who enforces restrictions occurs. Rosalind answers they are the enforcers of the terms of the easement. ACT typically inspects the property annually to be sure the town is keeping it accordance with the terms of the easement. If they find a violation, they report that to the town and that it needs to be remedied. If not remedied, there is an option to take it to court. She suggests reserving the right to build one pedestrian foot trail because we don't know what will change. She suggests not restricting it geographically to one specific current area because wetland locations and climate may change in future. This would mean notifying ACT prior to building it and they would need to approve the location. Not getting ACT approval would be a violation. Chris says that it's above a stratified drift aquifer, so has that replenishment function, and we don't need to reserve rights to put a well on it. Steve asks how close trails come to the property. Chris says that the Middle Earth trail bridge is close to the property. Steve is concerned that private property owners nearby in future could close a trail on their property and that moving it onto our land might preserve the trail. Ginny's opinion is that doesn't matter because it's wetlands. She says Elise Lawson's initial assessment of trails in Lawrence Forest is that Meadow Brook Trail is already too close to the brook and Elise recommended considering closing it. Chris thinks this veers beyond the scope of what ACT needs to know today.

Rosalind says they have enough information from us to send to their easement attorney a synopsis of this discussion with a general consensus on their easement template, including request for language severely limiting the potential for trails. He will put together a preliminary draft and get it back to us. FCC thanks ACT for their help. (Rosalind and Conor leave.)

Chris: Minutes 10-3-2023: Jill moves to approve. Red seconds. Unanimous vote to approve.
Minutes 11-7-2023: No quorum so no action taken, and no vote to approve is possible.

Ginny: Proposed new trail in Lawrence Forest by NEMBA's NEPA draft. Ginny sent an info email to FCC on 11/17/23 which included the approx 160 page NEPA document draft which she had received from the Montpelier consulting firm author 11/16. She asks who read it. Julie did. Ginny explains the background: After our November 7 meeting, she saw a notice on the post office community bulletin board that the public comment period was open through November 6 on the draft of the NEPA environmental assessment document for the proposed new Lawrence Forest trail for which NEMBA received a Northern Forest Center grant. Because federal funds are involved, the NEPA process is required. FCC has assumed we would be notified when this environmental assessment was occurring, after the March meeting proposal by NEMBA which mentioned NEPA needing to occur first. At March meeting we didn't vote or make a resolution about the NEMBA new trail proposal, but had discussion. Ginny opposed putting another trail in there because there are already multiple trails. The discussion at the March meeting was that we would continue to talk about it over time. Periodically at subsequent meetings Chris mentioned that we hadn't heard anything about the NEPA process. So Ginny was surprised to see the expired request for public comments notice. This document is a GIS map-based paper process plus inquiries with various NH agencies about impacts like cultural resource and rare species. So, on 11/7 Ginny phoned the Montpelier environmental consulting company named on the notice, and couldn't find the document anywhere online. She finally got a response on 11/13, and was

told that the public comment period actually would end on 11/17, not 11/6. The person she spoke to didn't know why the notice said 11/6. She said she'd send Ginny the NEPA document draft, and emailed it on 11/16. Ginny opened it 11/17 and discovered that the draft included a paragraph that said the FCC was in support of the trail, and it included a letter from Chris dated 4/9/23 which says we're supportive. Ginny was unaware that this letter had been written, and it didn't come up at the March 25 meeting or any subsequent meeting. It wasn't emailed to FCC. Chris disagrees that the letter supports that specific trail. He says his letter says the FCC supports the general concept. Ginny thinks we needed to know about and approve any letter of support, as we done that in the past for various other letters. Chris disagrees and says his letter represented the general sense of our discussion at the March meeting, where Ginny was the only dissenting person. He says that we were invited to walk the proposed trail on April 8 with NEMBA and Northern Forests, but he was the only one who attended, and they needed the letter quickly for grant purposes. He says that Northern Forest will evaluate the specific trail route in person at some point. He doesn't know what that specific trail mapped out in that document is. Ginny says that what she is intending to explain today was that on 11/17 (the deadline) when she first read as much of the draft NEPA document as she could, she found many errors in it. Examples: it mentions that there's parking for 40 cars at the trailhead (actually 4 cars); that the Meadowbrook water quality is poor (actually not, per the finding of the Red-belly Dace on 2015-16 survey); incomplete list of potential nesting migratory birds in that habitat; and multiple other errors. She did not have time to finish detailing all the errors, but sent a 3 page comment email that night representing herself – not representing FCC. She also complained to them about the lack of public notification. Today she received an email from the Montpelier consulting firm saying they had extended the public comment period to 1-5-2024. She thinks we should each read the document, forward to interested people, and send it to Elise Lawson. The trail drawn on the draft document is much longer than what she thinks Elise saw flagged on her October visit to the properties. Chris thinks it's important to talk to Northern Forest about what's going on. He points out that after seeing the document's statement that we supported the trail, he wrote the engineering firm an email 11/17 saying we did not support the trail, but that we only supported the process of assessing the possibility of the trail. It's not an endorsement of the final plan. He hasn't heard back from them. He disagrees that writing letters of support for grants needs FCC approval. Ginny suggests that members read the draft document she sent out and consider commenting individually before Jan 5. Chris suggests also discussing next meeting whether to comment as a group. Michelle asks Ginny to send out the various problems she noticed with the draft. She will.

Chris: Master plan chapter 10 revision was completed by our subcommittee and he sent to us for review. He got no comments back from anyone but Steve. Steve requests Chris send this final version to Monica of the Planning Board this week with the most recent changes highlighted so North Country Council is clear on the changes. He will.

Chris: Budget. Jill says the SB hasn't yet discussed the FCC budget. Chris emailed Admin a request for \$1000-\$2000 to buy a few manuals, more placards if needed, perhaps outreach, and maybe additional work by Elise regarding the proposed trail. Jill says as an FYI that engaging a forester to review large Intent to cut permits will be under Executive budget, not the FCC budget, and they're thinking of \$2000. She thinks he will look only at the large impact logging projects. Not sure how many permits there were this year, or what the charge for permits is, if any. She reached out to Sugar Hill and Bethlehem to inquire their process but hasn't heard back. Town does get some revenue from cutting, via Dept of Revenue. Chris says that there is a state forester who sees the permits but unknown if he looks at the sites.

Chris: Town's updated NRI - Elise Lawson is working on it. She will communicate with us before she does fieldwork. Anyone interested can go. Also, Professor Villamagna says that her PSU senior seminar will be working more on our tritown environmental assessment. Specifics aren't yet developed.

Chris: Thinks there should be a point person for reports about issues such as unknown people flagging new trails, and any other issues that arise on town properties. He suggests Libby, and she can decide whether to let the commission or involved board know if it's something that needs investigating. Jill agrees point person should be Town Hall.

Chris: No word back from Chris Collman yet about which trees he wants cut in Fox Hill adjacent to his property. SPNHF holds easement.

Chris: Thanks Julie, Dan, and Mikel Delaney for helping add additional placards along part of the McKenzie Woods easement.

Chris: Suggests forming a hydrology subcommittee. It's a complex topic. There has been toxic waste monitoring by State going on since 1986, even before PFAS was identified on the Presby site by the transfer station. That's the highest transmissivity stratified drift aquifer in the valley. Chris, Michelle and Red volunteer.

Adjourned 4:25 pm.

Next meeting: Tuesday Jan 2 at 3 pm.

Minutes by Ginny Jeffries