COPY

ROCKINGHAM COUNTY CONSERVATION DISTRICT

110 North Road, Brentwood, NH 03833-6614
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www.rockinghamccd.org

July 21, 2026

Rye Conservation Commission
c/o Shawn Joyce, Chair
10 Central Road
Rye, NH 03870

Re: Rye Town Forest Conservation Easement – Response to June 17, 2026, Notice

Dear Mr. Joyce,

Thank you for your June 17, 2026, letter notifying the Rockingham County Conservation District (RCCD) of the Rye Conservation Commission's intent to implement recommendations from *Trails for People and Wildlife – An Inventory of Trails and Assessment of Potential Impacts to Wildlife on Town Conservation Lands in Rye, NH* (the "Report") as they relate to the Rye Town Forest. RCCD has reviewed your letter and the attached materials. While the included map appears to depict an "Ideal" trail configuration in which the existing Yellow Trail and Green Trail are no longer shown, your letter also references the potential implementation of new trails, trail closures, reroutes, signage, maintenance activities, non-native species control, habitat protection measures, and other management actions. As a result, it is unclear whether the Commission is proposing only the decommissioning of the existing Yellow Trail and Green Trail depicted on the map or whether additional trail modifications or management activities are also proposed.

The Conservation Easement distinguishes between the maintenance of existing trails and activities involving the relocation or construction of trails. Maintenance of existing trails is a reserved right of the Town and does not require an approved Forest Management Plan, provided such maintenance activities do not materially impair the conservation purposes of the Easement. However, relocation of existing trails or construction of new trails may only occur if those activities are included in an approved Forest Management Plan, as required under the Easement. *See* Section III(1).

Based on the information currently provided, RCCD cannot determine precisely which recommendations from the Report the Commission is pursuing and whether the proposed activities constitute routine trail maintenance or activities requiring review and approval under the Easement.

Accordingly, RCCD respectfully requests additional information regarding the nature and scope of the proposed work.

Specifically, RCCD requests clarification regarding the following:

- Is the Commission proposing only the decommissioning of the existing Yellow Trail and Green Trail depicted on the attached map, or are additional trail relocations, new trail construction, or other modifications to the trail system also proposed?
- Is the Commission proposing to implement only the "Ideal" trail configuration depicted on the attached map, or are additional recommendations from the Report also proposed for implementation within the Rye Town Forest?
- How will the proposed trail closures or decommissioning be carried out? For example, will the trails be closed through signage, brush barriers, restoration plantings, natural revegetation, fencing, or other methods?
- Are any additional management activities proposed within the Conservation Easement area, including invasive species management, habitat restoration, installation of structures or improvements, or other actions associated with implementing the report's recommendations? To the extent any of these additional management activities are proposed, how will they be carried out?
- What is the anticipated timeline for implementation of the proposed activities?
- Who will be completing the proposed work, the Commission or a third party?
- What work, if any, has already been done in the Rye Town Forest?

RCCD also notes your statement that the Town has engaged Charles Moreno to prepare an updated Forest Management Plan incorporating the Report's recommendations. As explained above, if the Commission is proposing trail relocations or construction of new trails, those activities may only proceed if they are included in an updated Forest Management Plan that has been submitted to and approved by RCCD in accordance with the Conservation Easement.

Once RCCD receives the requested information, we will review the proposed activities to determine which provisions of the Conservation Easement apply and whether any proposed activities require RCCD approval.

As a final note, your letter was the first communication RCCD received about the Commission's plans to implement recommendations from the Report. However, in the meantime, RCCD has received information that the Commission has already started carrying out work contemplated by the Report (e.g., some trails have already been closed). As we are sure the Commission agrees, the Conservation Easement is best served when there is open, direct communication between RCCD and the Commission. To the extent it is true that the Commission has already performed work in the Rye Town Forest before receiving feedback from RCCD, RCCD respectfully requests that, going forward, the Commission provide notice to RCCD and await RCCD's response before carrying out any work. RCCD has an obligation to ensure that the terms of the Easement are being followed, so even if any Commission actions in the Rye Town Forest end up not requiring approval, RCCD must still make that determination in the first instance. *See* Section X (requiring the Commission to provide RCCD with

prior notice and an opportunity to grant or withhold consent any time an act *may* adversely affect the Conservation Easement). RCCD will likewise ensure it meets its notice obligations under the Conservation Easement and otherwise maintains open lines of communication with the Commission.

Please let us know if you have any questions.

Sincerely,

Vicky Nelson
District Manager
Rockingham County Conservation District
110 North Road
Brentwood, NH 03833
603-679-2790 ext. 161

C.C:
Rye Select Board
Rachel Stevens

ROCKINGHAM COUNTY CONSERVATION DISTRICT

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July 29, 2026

Rye Conservation Commission
c/o Shawn Joyce, Chair
10 Central Road
Rye, NH 03870

Re: Rye Town Forest Conservation Easement – Response to July 24, 2026 Letter

Dear Mr. Joyce,

RCCD has received the Commission's comments regarding the historical authorization of the Green and Yellow Trails and prior Forest Management Plans. However, RCCD's review of the current proposal is based on the activities presently being proposed. As easement holder, RCCD has a responsibility to review currently proposed activities under the terms of the Conservation Easement and determine whether they fall within the Town's reserved rights or whether additional review or approval is required. Therefore, RCCD will limit its review and feedback to the current proposal, which should not be construed as RCCD taking any position on your comments related to the historical authorization of the Green and Yellow Trails.

RCCD appreciates the Commission's clarification that it intends to follow the New Hampshire Trails Bureau Best Management Practices Guide when decommissioning the Green and Yellow Trails. The guide identifies a number of potential trail closure measures, including blocking or gating trail entrances, removing signs and trail structures, pulling culverts or bridges etc. However, it remains unclear which of these measures are proposed within the Rye Town Forest.

While trail decommissioning itself may constitute maintenance of existing trails, the specific methods used to implement the closures may implicate other provisions of the Conservation Easement depending on the nature and extent of the work proposed. For example, installing gates or barriers, removing existing trail infrastructure such as bog bridges, or undertaking restoration activities may involve different considerations under the Easement than closing a trail through signage or natural revegetation. Accordingly, RCCD requests additional information regarding the specific closure methods the Commission is planning to use.

To assist RCCD in its review, we ask that the Commission provide additional detail regarding the specific methods proposed for decommissioning the Green and Yellow Trails.

For example:

- Will existing trail infrastructure, such as bog bridges, boardwalks, culverts, or other wooden crossings, be removed as part of the trail closures?
- How does the Commission propose to implement the closure of the Varrell Woods access trail, while maintaining appropriate access for future stewardship, monitoring, and management activities within the Conservation Easement?
- What materials or methods will be used to discourage or prevent public use of the discontinued trails (e.g., brush barriers, gates, signage, natural revegetation, or other measures)?
- If brush, woody debris, or other materials are proposed as part of the trail closures, how will those materials be placed to avoid unnecessary impacts to wetlands, vernal pools, sensitive habitats, or other protected natural resources?

In sum, for RCCD to determine whether further approval is necessary, we must know the specific actions the Commission will be taking to accomplish the trail closures. The New Hampshire Trails Bureau Best Management Practices Guide provides several different alternatives, so it is still unclear which of those alternatives the Commission is planning to pursue.

RCCD would also like to propose that, solely for purposes of this matter, the Parties agree to exchange future correspondence through email or regular mail, rather than certified mail (with copies to the Selectboard, in the case of RCCD). Now that the parties are on notice about this matter and are in frequent communication, it does not seem necessary to continue to send certified copies of every communication. Please let us know if the Commission assents to waiving the certified mail notice requirement for purposes of resolving this matter (without waiving the requirement for any future notice related to other matters).

Please let us know if you have any questions.

Sincerely,

Vicky Nelson
District Manager
Rockingham County Conservation District
110 North Road
Brentwood, NH 03833
603-679-2790 ext. 161

C.C:
Rye Select Board
Rachel Stevens

RYE CONSERVATION COMMISSION
10 CENTRAL ROAD
RYE, NH 03870

Vicky Nelson
District Manager
Rockingham County Conservation District
110 North Road
Brentwood, NH 03833

August 5, 2026

Dear Ms. Nelson

Thank you for your letter dated July 29, 2026. Please see the following response to your questions on page two of this correspondence. I would also like to note the following:

As I stated in my letter dated July 24, 2026, the Commission has no records that the past Commission sought the RCCD's consent to develop the Green and Yellow Trails which is required by the easement. Nor a Forest Management Plan supporting it. If the RCCD has those documents, please share, so we can include it in the Commission's files.

The 2020 Forest Management Plan has the Green and Yellow Trails and shows a proposed reroute of the Green trail off the private land through highest ranked wildlife habitat. However, the map does not show the many vernal pools along that 352 yard reroute. There is also no commentary from a wildlife ecologist about the impact that reroute may have on the ecosystem even though the commission at the time was asked by the public to do so. The current Commission has no records that the past Commission sought the RCCD's consent with the reroute nor that the RCCD accepted the 2020 Forest Management plan. If so, please share those communications so we can include them in the Commission's files.

As you have pointed out, those kinds of documents are required by the easement. They are very relevant to this matter. They would have addressed the RCCD concerns as to any impacts on the easement. If those documents do not exist, please let me know. If they do exist, please provide them. I am assuming they are public records and a reasonable request. I do hope the current Commission is not being held to a different standard.

It is my understanding the RCCD Board of Supervisors' next public meeting is on Wednesday August 19, 2026, 6:30PM-8:30PM at 110 North Rd, Brentwood NH. Please confirm. I respectfully ask for this matter to be placed on the agenda. I will attend and answer any questions and/or concerns the board may have.

Above all, the Commission will continue to wait for the RCCD's feedback and approval before implementing the decommissioning of the Green and Yellow Trails. If you have further questions, I suggest that we schedule a site walk. Please let me know if that is something you like to do and if so, when you may be available. Thank you.

Respectfully,

Shawn Joyce

Shawn Joyce
Chair, Rye Conservation Commission

Cc: Rachel Stevens, Principal Ecologist, Birch Tree Conservation Consulting
Rye Board of Selectmen

Responses to Vicky Nelson's Letter Dated July 29, 2026

To assist RCCD in its review, we ask that the Commission provide additional detail regarding the specific methods proposed for decommissioning the Green and Yellow Trails.

For example:

- Will existing trail infrastructure, such as bog bridges, boardwalks, culverts, or other wooden crossings, be removed as part of the trail closures? There are a few bog bridges that are in bad shape and will be removed.
- How does the Commission propose to implement the closure of the Varrell Woods access trail, while maintaining appropriate access for future stewardship, monitoring, and management activities within the Conservation Easement? There will just be a sign at that entrance.
- What materials or methods will be used to discourage or prevent public use of the discontinued trails (e.g., brush barriers, gates, signage, natural revegetation, or other measures)? Signs, brush barriers and allowing natural revegetation.
- If brush, woody debris, or other materials are proposed as part of the trail closures, how will those materials be placed to avoid unnecessary impacts to wetlands, vernal pools, sensitive habitats, or other protected natural resources? They would be limited to the trail entrances where there are no impacts to wetlands, vernal pools, sensitive habitats, or other protected natural resources. Without maintaining the trails, natural occurring blow downs will fall over time, and natural revegetation will reclaim the forest.

In sum, for RCCD to determine whether further approval is necessary, we must know the specific actions the Commission will be taking to accomplish the trail closures. The New Hampshire Trails Bureau Best Management Practices Guide provides several different alternatives, so it is still unclear which of those alternatives the Commission is planning to pursue.

RCCD would also like to propose that, solely for purposes of this matter, the Parties agree to exchange future correspondence through email or regular mail, rather than certified mail (with copies to the Selectboard, in the case of RCCD). Now that the parties are on notice about this matter and are in frequent communication, it does not seem necessary to continue to send certified copies of every communication. Please let us know if the Commission assents to waiving the certified mail notice requirement for purposes of resolving this matter (without waiving the requirement for any future notice related to other matters). Yes, that makes sense. I will review this with the Commission at our next meeting on Thursday 8/13/26 to get their consent. I ask you to do the same at the next RCCD's Board of Supervisors meeting.