



## STATEWIDE PROGRAM OF ACTION TO CONSERVE OUR ENVIRONMENT

SPACE NEWSLETTER

SUMMER 2006

### *POSTING OF CURRENT USE LAND*

by Kathie Fife

As a New Hampshire Native, I grew up living off of a quiet rural dirt road with plentiful woods, attractive views, and an active beaver pond. There are two brooks crossing the road from which I learned how to fish as a young child. One brook contains an intriguing history with remnants of an old mill and historic 18<sup>th</sup> century foundations. The country road is 3.5 miles long with only a handful of houses and most of them are tucked away from sight for three seasons. The quiet country road was so rarely used by motorists that grass literally grew up in the middle, and the town maintenance crew only came out after the deep mud season to smooth out the ruts. When another car was slowly cruising down the road, one person would have to pull over to allow room for the other vehicle to pass. I remember in the summer riding my bike and seeing foxes laying in the middle of the road with their tails wrapped around their nose, and moose were observed like clockwork grazing in the beaver pond on a rainy fall afternoon. It was a safe road to walk with miles and miles of surrounding backland to venture off into the woods, with streams, meadows, and an abundance of wild flora and fauna to pique the curiosity and wonderment of a budding scientist.

I don't have to remind you that New Hampshire's landscape has changed dramatically in the last 10 to 30 years. Some of those large tracts of land that we were so used to recreating on and enjoying a day of fishing, hunting, or a leisurely stroll down an old logging road to enjoy the fall foliage, are not as easily accessible to the general public. The landscape is changing to accommodate cookie cutter house lots and commercial developments. And some fortunate families are subdividing large tracts into smaller parcels to help the next generation to be able to afford to build their own homes. Now when we want to go back to those places to continue a tradition of recreational enjoyment, a bright yellow sign stops us in our tracts with a clear message: Posted: *No Trespassing!* We stop and reminisce about the memories once enjoyed before the change and feel the loss of connection to the place.

Today, the road I grew up on has nearly 40 houses on it. It is still dirt but twice as wide and the traffic has quadrupled with some motorists who think the speed limit is 65, not 30. When I visit home, I miss the quietness and the ability to walk through the woods like I once was able to do. The natural communities have changed and the wildlife I grew used to seeing are more reclusive and have found narrow corridors to move between feeding areas. Fortunately there is still a substantial amount of backland, but that too could change over time. Many of you call or write to me with the same perspectives, and question the relationship of current use and the posting of land.

*(continued on page 4)*



PHOTO BY KATHIE FIFE

*Many New Hampshire Current Use landowners allow their land to be open to the public for recreational uses. Harold Corliss, Northfield, welcomes some recreational uses on his land, while requesting visitors to be courteous of workers and farm vehicles entering and exiting his property.*

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SPACE is NH's current use coalition, a non-profit organization dedicated to the conservation of New Hampshire's farms, forests, and open space through an effective taxation program.

Dear Landowner,

As a farmer and current use landowner, I am aware of the changing seasons. Each year brings new challenges and the prospect of new successes.

Over the years SPACE has adapted its efforts of advocating for the current use law. The SPACE board of directors continues to put SPACE in a better position to face the challenges that threaten the current use law.

### "SPACE is the protector of New Hampshire's Current Use Law"

Using that mission statement, each legislative session SPACE is there to lobby to keep Current Use a fair and effective taxation program. We have spent considerable time in the legislature, but we can also see that there are other areas of concern. We often hear from New Hampshire's cities and towns municipal officials that have questions and concerns about current use. To address these concerns statewide, we are increasing our outreach to town officials by developing new educational programs.

One of best strategies that we have identified to advocate for current use is a valid body of evidence that supports the fact that current use is the best way to retain open space in New Hampshire. We have put in place a cost share program to assist municipalities in conducting Cost of Community Services (COCS) studies. These studies universally demonstrate that open space lands contributes more in tax dollars at current use levels than they consume in services.

We have recognized that our database, with a mailing list of some 27,000 current use landowners, is our most valuable asset. It is also the only such list in the state. We are conducting a statewide blitz to update that list. If you received this newsletter from a friend and are a current use landowner, call or email us at [nhspace@nhspace.org](mailto:nhspace@nhspace.org) to be added to our list.

In the fall of 2005, we hired Kathie Fife as our new Executive Administrator. Kathie's enthusiasm and energy has brought new ideas to the board and she is challenging us to think outside of our normal routines. You can see one of these changes in the new updated website [www.nhspace.org](http://www.nhspace.org).

Finally, we are looking hard at our fundraising efforts and developing new ideas to raise funds. SPACE runs completely on donations from current use landowners. While this has been effective for years, the fixed costs of running any business have increased and SPACE is not immune to those increases, including the increasing costs to send this SPACE newsletter to all 27,000 New Hampshire current use landowners.

Let me assure you that the board of directors is more committed than ever to see that the current use law continues in New Hampshire and that landowners are not forced to sell their land because of the pressure of unrealistic taxes on the land.

As always, feel free to contact the SPACE office, 224-3306, or myself at the farm at 224-8862 with questions or comments about Current Use.

*Chuck Souther*  
CHAIR



### Meet SPACE Board Member of New Hampshire's Current Use Coalition

**John W Barto**, a graduate of Dartmouth College and Yale Law School, has been practicing law in Concord since 1955. He was a member of the original group which promoted the Constitutional amendment requisite to the legality of current use taxation under the exhortation "Vote YES on 7". He prepared the legal papers to incorporate SPACE in 1969 and continues to hold the position as Clerk and Board member.

### John Barto was involved in the preparation of drafts of proposals for both the original and subsequent, permanent legislation for current use which ultimately became RSA 79-A.

Barto says: "It has been enormously satisfying to have been involved from the very beginning and to continue to contribute to such a successful program. It has made it possible for so many landowners to retain their farms and forests otherwise subject to potential house lot taxation, thereby retaining for all of us so much of what has historically been and is the treasured essence of this State. This temporary retention continues to allow for permanent protection through such public programs as LCHIP and LCIP, the efforts of town conservation commissions and the auspices of private conservation organizations such as SPNHF, ASNH, TNC, NEFF, TPL, numerous local conservation trusts, and all often assisted with Federal funding. This is a realization of what we organizers dreamed would result back in the late '60's - and such dreams so rarely come true!"



## MANY THANKS TO SPACE DONORS!

The SPACE Board of Directors extends its appreciation to ALL contributors, whose support funds SPACE's annual program of current use advocacy, research and outreach. SPACE relies exclusively on the contributions of current use landowners for its financial support. Printed below are "100 Club" contributors, who donated \$100 or more to our 2006 annual appeal. **Your contributions make our work possible!**

*Chuck Southee*  
CHAIR

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To acknowledge everyone who has contributed less than \$100 to SPACE, in the future we will post those names on our website. Thank you for contacting us, we appreciate your comments and suggestions!

## POSTING *continued from page 1*

### **Why do landowners decide to post their land?**

There are two common reasons. They just purchased the property and are worried about liability. They question what might happen if they didn't post, or they have experienced trouble with others who have caused problems on their land. The liability of landowners that allow free public access is limited. New Hampshire has recognized the value of public access with a statute protecting those generous enough to share their land.

### **Can current use land be posted?**

The answer is yes, land assessed under current use may be posted.

### **But isn't current use land supposed to be open for public access?**

Receiving the current use assessment does not require a landowner to open the property to public use. Landowners who own land enrolled in current use have the legal right to post their land against all trespassing, or they can choose to limit certain activities, such as hunting, hiking, fishing, or snowmobiling.

### **Is there any exception to posting of land?**

Yes, land that is enrolled under the 20% Recreational Discount cannot be posted except when.....(see next question).

### **I heard that my neighbor has land enrolled under the 20% Recreational Discount, but I see posted signs on portions of the land, why?**

There are a few exceptions to this rule, however. Signage intended to warn the general public that a specific safety hazard exists on a particular tract of open space land shall not be considered a posting of land. With consent from the town assessing officials, a landowner may post sections of his land enrolled under the Recreational Discount if it meets the following examples: 1. During hunting season a landowner may post no hunting signs near fields to protect livestock or horses. 2. Safety Zone signs can be posted in the vicinity of the home (300 feet is the state law), and during active logging operations. 3. Any recreational activity that is detrimental to a specific agricultural or forest crop may be prohibited (such as no snowmobiling allowed across agricultural fields).



PHOTO BY KATHIE FIFE

Typically, these signs need to come down once the recreational season or logging activity has come to an end. **Note:** *Even if the land is not posted, it does not equate as permission to access the land with motorized vehicles, including snowmobiles and ATVs. Ask permission and check with the town and local snowmobile club about specific restrictions the landowner has on the land.*

## New Hampshire Fish and Game's Landowner Relations Program



For landowners interested in managing hunting access to their property, Fish and Game provides a variety of signs, which are used by many landowners as an alternative to posting. There are fourteen signs available with the most commonly used being "Safety Zone", which

is used to manage access around homes, pastures, and work areas. All of these signs are provided **free of charge** to landowners who leave a portion of their property open to hunting.

Current use has played a critical role in protecting open space and providing access for hunting and fishing for well over 30 years. Presently, over 1,000,000 acres of current use land are available for hunting and fishing. Fish and Game's Landowner Relations Program is available to assist these generous landowners with any issues that may result from providing hunters and anglers the opportunity to use their property.

For more information contact: Chuck Miner, Administrator  
NH Fish and Game 603.271.3511 email: [cminer@wildlife.state.nh.us](mailto:cminer@wildlife.state.nh.us)



### **Is there a penalty for posting land in the 20% Recreational Discount without the consent of the town assessing officials?**

Yes. If, at any time during the year, the landowner posts the land without the approval of the local assessing officials, the 20% reduction shall not be allowed at the subsequent April 1st assessment period. Once the assessing officials have removed the 20% recreational reduction, the land

*I have a panoramic view of the presidential range and I do not post it so people can use it. Current Use allows me to afford to stay on my land.*  
~ LANDOWNER, WHITEFIELD

shall not be eligible for the recreational reduction during the subsequent 3 year period, including the year of disallowance.

### **Is there anything I can I do about land I used to enjoy, but now is posted?**

Absolutely, get in touch with the landowner and ask their permission to use their

land. The landowner may appreciate hearing about the experiences you have had on the land and will be reassured that there is going to be a good steward to inform them of anything you might see while out on their land.

**Are there benefits to not posting land?**

Yes! Landowners who choose not to post their land against the recreational activities may apply for the 20% Recreational Discount.

*If a landowner is already enrolled under current use, may they apply for the recreation discount?*

Yes, landowners may apply and submit for the recreational discount on form A-10 by the April 15<sup>th</sup> deadline.

**Does all of the land have to be enrolled under the recreation discount?**

No, landowners may elect to have only a certain amount of acres under the recreation discount and have the remaining acres assessed accordingly to their category, such as farmland, forest, wetland or unproductive.

**The 20% Recreation Discount**

If a landowner decides not to post, and opens the property to public use without an entrance fee, the land is entitled to a 20% reduction in the current use assessment of the acres opened to public recreational use, which also qualifies for current use assessment under an open space category. The owner of land who opens his land to public recreational use shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34 (visit [www.nhspace.org/cu-liability.shtml](http://www.nhspace.org/cu-liability.shtml)).

**To receive the 20% Recreation Discount the landowner must allow all of the following activities:**

- |                    |               |                           |
|--------------------|---------------|---------------------------|
| <b>Hunting</b>     | <b>Skiing</b> | <b>Fishing</b>            |
| <b>Snowshoeing</b> | <b>Hiking</b> | <b>Nature Observation</b> |

If any of these activities are detrimental to a specific agricultural or forest crop, that activity may be prohibited. If the 20% recreational adjustment has been granted, posting to prohibit any activity listed above requires approval of the local assessing officials.

The landowner may prohibit trespass upon his property for all other activities, including use of mechanized and off-highway vehicles (such as snowmobiles and four-wheelers), camping, cutting down trees, etc. Posting land to prohibit these activities will not affect the 20% recreation adjustment.

**TITLE XVIII  
FISH AND GAME CHAPTER 215-A  
OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS  
215-A:34 Posted Land  
(Effective Jan 1, 2006)**

I. An owner may post all or any portion of his land against use by an OHRV. Such notices may read "SNOW TRAVELING VEHICLES PROHIBITED" or "OHRVs PROHIBITED" or may have in lieu of these words an appropriate sign with the designated symbol of sufficient size to be readable at a distance of 50 feet indicating that use of this land is prohibited for the purpose so specified. Whoever without right enters such land that has been so posted shall be guilty of a violation. Provided, however, that *failure of an owner to post his land as provided in this section shall not be construed as granting any license to users of OHRVs to enter said premises, nor shall said failure be construed as implying any duty of care to the user of an OHRV by the owner.* II. Repealed.

**Things to consider before posting your land**

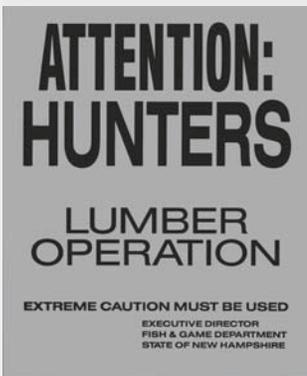


Be aware of the message "NO TRESPASSING" signs send. Some signs can trigger unwanted reactions, such as destruction of signs and property, littering, and misunderstandings from neighbors.

Inform your neighbors of your decision to post. Neighbors can be a valuable resource, particularly in remote areas. They may observe people using your land, or have pertinent information about your property.

Keep it positive - such as "Welcome—Foot Traffic Only" or "Please, Carry Out Trash", "Land Use by Permission Only", or "Please Stay on Trail".

Inform the public of your intent. For example, if your land is open to snowmobiling but not to ATV's. Or if the land has a conservation easement, most organizations have cooperative signs informing the public of the landowner's management activities and intent of the land (see cover photo as an example), and such as "Wildlife Preserve".



## What Does Current Use Mean to You?

Our farm sits at elevation 1554 on a hill, overlooking the village of Colebrook. We work our 165 acres in two ways, logging and a modest sheep operation. We also keep chickens, bees, and occasional pigs. We consider our lives idyllic, but not in the languid sense. There is no labor force but us. This farm was cleared and settled around 1850. Previous generations of farmers had already occupied the better, stone-free land along the valleys, and the latest generation had to settle for the rock-strewn hills. One of those families rolled up a rude log cabin on the northwest corner of what is now our front lawn, and

***“Were it not for Current Use, and the vigilance of SPACE, we would be off the land, and the pastures and fields would be growing house lots”.***

immediately commenced building the barn and outbuildings. The barn stood until I pulled it down, in 1966, at my parents' behest.

Over the course of history, South Hill Farm has been a subsistence farm, a sheep farm, a dairy farm, and a trotting horse farm. By the time my parents bought it in the early '60's, the woods had reclaimed most of the pastures and fields, and the house and shed were a wreck. Down came the barn, its mortised and pinned joints protesting all the way, and my folks refurbished the old farm house we live in today. During the early '90's, I built a big attached barn out of my own sawlogs, and began reclaiming the old openings. The first logging job, done with horses, was out front and restored the 35-mile view, a move I may rue. Subsequent jobs I laid out were mainly for timber stand improvement and sawlogs and pulpwood for the market.

When my wife Nancee came on board near the end of the century and moved her sheep in with mine, something had to give, and so we logged again for trees to mill out for a sheep barn and a hay barn. All of our structures have red metal roofs. I tell visitors we're trying to make South Hill Farm visible from space, akin to the Great Wall of China and the Aswan Dam. As I mow hay or mend fence or haul trees or push snow around, I like to think about the farm's past, and the future. The last glacier bulldozed this place barren, the forest reoccupied the land, and the settlers came and took it back. With the decline of farming, the trees took it back once again. Now we come along, and the woods are once more in modest retreat. We have reclaimed three fine hillside pastures and carved new fields out of older growth. Hence the farming portion of the property is about as big as it ever was. Who is creating more openings these days, except for rights of way and house lots?

As for the present and the future, there is this: There is no money in farming and little in teaching and writing, which is what my wife and I do to get by. We can barely afford our taxes. Were it not for Current Use, and the vigilance of SPACE, we would be off the land, and the pastures and fields would be growing house lots. And wouldn't that, over the course of such a history, be a crying shame.



PHOTO BY KAREN HARRIGAN LADD

## Reaping the Benefits of Current Use

*C*limbing our mountain

*U*nder New Hampshire's blue skies, we

*R*amble above a cascading brook

*R*acing down the rocky gorge below...we are

*E*ver grateful for this

*N*atural beauty and grandeur, unadorned by man in

*T*he Great North Woods

*U*tterly astonished and

*S*tunned with our good fortune, we are

*E*ntranced by this wilderness.

POEM BY MARGARET JANE JONES, GLENCLIFF

SUBMITTED BY JOHN HARRIGAN, COLEBROOK

**We want to hear from you! Submit your stories, poems, and photos to SPACE Attn: Current Use Articles 54 Portsmouth St Concord NH 03301-5400 email: [nhspace@nhspace.org](mailto:nhspace@nhspace.org) 500 word maximum for stories, please.**

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**DO YOU NEED A SPI OF YOUR FARMLAND?**

**WHAT** is this SPI that current use landowners keep hearing about? The **Soil Potential Index (SPI)** is a number which indicates the production capability of farmland as determined by the United States Soil Conservation Service.



SPAULDING YOUTH CENTER, TILTON

PHOTO BY KATHIE FIFE

**SPI** is a tool to be used by the assessing officials to determine where in the farmland ranges a specific property should be assessed. The landowner is responsible for providing the most current SPI to the assessing officials to apply the correct tax. Otherwise, the assessing officials have legal authority to use their own discretion when assigning a valuation within the farmland assessment range, which means the landowner could potentially be assessed higher than what the SPI actually is.

**WHERE** do you get an SPI and how much does it cost? The SPI may be obtained from the County Conservation District offices, and generally the cost is about \$50 or more, depending on the parcel(s). For contiguous parcels of farmland the landowner shall provide to the local assessing officials one SPI for the entire tract; or, for each separate parcel of farmland that is not contiguous, the landowner needs a separate SPI for each parcel.

**How** is the SPI formulated for assessing farmland? When the landowner receives the SPI, the letter is forwarded to the assessing officials so it may be applied in the farmland assessment calculation.

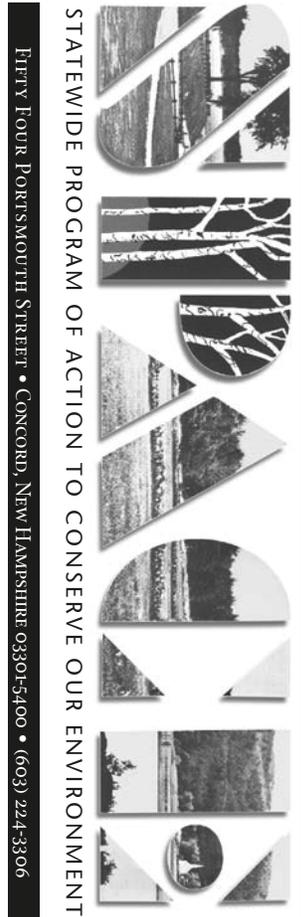
Cub 304.02(e) provides the formula for assessing farmland. Assuming an SPI of .60, the formula would calculate as follows:

High end of farmland range	\$ 425
Low end of farmland range	- 25
Difference	400
Sample SPI of .60	x .60
Subtotal	240
Low end of range added back	+ 25
Per acre assessed value	\$ 265

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*Remember, when using any motorized recreational vehicle to ask the landowner for permission before entering the property. Land that is not posted does not automatically equal permission from the landowner for snowmobile or ATV use.*

NEW HAMPSHIRE'S CURRENT USE COALITION



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