

Senate Energy and Natural Resources Committee

Max Taylor 271-1403

HB 127-FN, extending the closing date of the OHRV trails on the Connecticut River Headwaters property from September 30 to Columbus Day.

Hearing Date: March 18, 2025

Time Opened: 9:20 a.m.

Time Closed: 10:35 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill extends the annual closing date for OHRV trails on the Connecticut Lakes headwaters working forest property until the second Monday in October, which is Columbus Day.

Sponsors:

Rep. Ouellet

Rep. Durkin

Rep. Tierney

Rep. Lascelles

Rep. Korzen

Sen. Rochefort

Who supports the bill: Representative Mike Ouellet (Coos District 3), Senator David Rochefort (District 1), Representative Arnie Davis (Coos District 2), Representative James Tierney (Coos District 1), Raymond Gorman (Coos County Commissioner), Mark Brady (Coos County Administrator), Steve Wilkie (NHOHVA)

Who opposes the bill: Michael Eastman (NH Fish & Game), Meredith Hatfield (The Nature Conservancy), Ann Davis (NHTOA), Abby Evankow, William Collins

Who is neutral on the bill: Alexis Rudko (Bureau of Trails)

Summary of testimony presented in support:

Representative Mike Ouellet

Coos County 3rd District

- Rep. Ouellet introduced HB 127-FN, explaining the bill would extend the ATV trail season by two weekends on 10.5 miles of state-owned roads in the Connecticut River Headwaters area.
- Rep. Ouellet stated this change would significantly benefit the economy of Pittsburgh, NH, as well as the rest of the North Country.
- He noted that early closure currently isolates Pittsburgh, negatively impacting local businesses, tourism, and tax revenues from ATV visitors.

- Rep. Ouellet stated the landowner of the Headwaters property does not oppose extending the season.
- Rep. Ouellet highlighted that there would be no additional state costs because the Coos County Sheriffs Department have committed to enforcing laws on the trails during the extended period.
- He emphasized the strong local support for HB 127-FN, as well as the support from the Pittsburgh Selectman, all three Coos County commissioners, the entire Coos County delegation, Senator Rochefort, Governor's Councilor Joe Kenney, and Governor Ayotte.
- Rep. Ouellet addressed concerns from NH Fish & Game regarding insufficient law enforcement by stating the Coos County Delegation had already budgeted funds specifically for sheriff coverage during the extended period, requiring no additional state spending.
- He stated there is strong history of peaceful coexistence between OHRVs and hunters throughout the region.
- Rep. Ouellet stated the existing DNRC advisory process is biased and not effectively representing local interests, highlighting an October public meeting where a clear majority favored extending the trail season, despite the committee's official 6-3 vote against the proposal.
- Senator Rosenwald asked whether trails would close on or remain open through the second Monday of October.
 - Rep. Ouellet clarified the intention was for trails to remain open through the second Monday of October.
- Senator Watters asked whether SB 127-FN could legally alter an existing easement through legislation, referencing NH Supreme Court ruling protecting easements as legal agreements.
 - Rep. Ouellet stated the legislature does have authority because the roads are state-owned and maintained, not directly subject to the easement restrictions.
- Senator Watters highlighted that OHRVs were not explicitly mentioned in the original easement and asked if this creates legal vulnerability.
 - Rep. Ouellet explained the easement has flexibility to adapt to evolving recreational uses. Additionally, he emphasized the trail in question is only 10.5 miles of road.
- Senator Watters expressed concerns about overriding the advisory committee's authority as defined in the easement.
 - Rep. Ouellet stated he acknowledges the vote, but argued it was biased and noted representative of local interests.
- Senator Avard asked how members of the DNRC advisory committee are chosen.
 - Rep. Ouellet explained that members are appointed by various stakeholders, including the Governor's Council, the Governor, Speaker of the House, and potentially other legislative leadership, as established by statute.

Senator David Rochefort

District 1

- Senator Rochefort emphasized the strong local support from his constituents in Coos County and Grafton County.
- Senator Rochefort reflected on the Connecticut Lakes Headwaters Citizens Committee meeting in September, highlighting the significant public support for keeping trails open longer. However, the committee ultimately voted against the extension.
- Senator Rochefort expressed concerns that the committee's decision contradicted clear community preference. He noted economic, logistical, and practical reasons cited by community members for extending trail access.
- Senator Rochefort stated he personally spoke with many constituents who overwhelmingly support SB 127-FN, noting only one constituent from Randolph, NH opposed it.
- Senator Rochefort stated there would be minimal conflict between hunters and OHRVs, highlighting that hunters hunt in the woods and not directly on the roads.
- Senator Avard asked Senator Rochefort if he personally attended the September meeting and how many voting members were present.
 - Senator Rochefort confirmed he attended and stated there were nine voting members presents, two members abstained from the vote.
- Senator Avard asked if there were heated words exchanged and if that might have influenced the vote.
 - Senator Rochefort confirmed there was a heated exchange but could definitively say whether it influenced the outcome. He emphasized the committee's primary responsibility should be to represent community feedback, which was clearly supportive of SB 127-FN.
- Senator Watters asked if Senator Rochefort agreed that the commission must also follow the easement terms as a legally binding guide, beyond community preferences.
 - Senator Rochefort agreed that the commission must consider the easement but argued keeping the 10.5-mile segment open would align logically with hundreds of miles of surrounding trails already open.
- Senator Watters raised concerns about the bill's language possibly opening all trails, not just the connecting segment. He asked if Senator Rochefort would suggest an amendment to clearly specify just the connecting OHRV trail.
 - Senator Rochefort explained his understand is that the bill is intended to align with the short connecting segment with the rest of the trail network. He clarified that the decision of an amendment would be left to the committee, but his goal is uniformity across the trails.
- Senator McConkey clarified that based on the meeting minutes from the September meeting, the vote was three in favor, six against, two abstentions, and noted five members were absent. Additionally, he emphasized the vote could have differed had all members attended and voted.

Ray Gorman
Coos County Commissioner

- Mr. Gorman explained he represents a large portion of Coos County, including Pittsburgh, and serves on the Connecticut Lakes Headwaters Commission.
- Mr. Gorman stated he attended the September meeting, describing it as problematic and the decision on an extended season predetermined.
- He highlighted the significant economic benefits from OHRV tourism for local businesses in Pittsburgh, Colebrook, and surrounding areas. He noted that losing Columbus Day weekend would greatly impact local revenues.
- Mr. Gorman explained that enforcement by the Coos County Sheriffs has been effective in reducing violations and emphasized a cooperative relationship between the Sheriffs Department and Fish and Game.
- Mr. Gorman stated the Headwaters easement is intentionally flexible, to allow for adaptations to meet changing community needs.
- Mr. Gorman argued the specific 10.5 mile trail section requested for extension is at the southern end of the property, and would minimally impact hunting areas.
- He explained the assumption that there would be conflict between hunters and riders is exaggerated, as bird hunters typically use remote trails and areas away from OHRV trails.
- Senator Rosenwald asked Mr. Gorman if he would support making the extended trail season contingent on Coos County continuing to fund sheriff patrols.
 - Mr. Gorman stated no additional funds would be necessary since sheriff patrol funding is already built into county budgets. Additionally, he clarified that no additional county money was added for these two weekends.
- Senator Rosenwald asked for clarification on whether enforcement funds came from the county or Fish and Game.
 - Mr. Gorman explained enforcement funding comes through multiple sources, including OHRV registration fees, county allocations, and collaboration with Fish and Game.
- Senator Pearl asked if OHRVs were already permitted to use this trail until September 30th, highlighting that any easement issue would already exist.
 - Mr. Gorman confirmed OHRVs currently use the trail until September 30th. He agreed any legal issue would already exist, implying extending use by two weekends does not fundamentally alter the easement arrangement.
- Senator Watters asked if the bill's language clearly specifies the 10.5-mile trail segment or if clarification was needed to avoid confusion.
 - Mr. Gorman confirmed that the bill is intended to specifically target just the 10.5-mile segment.
- Senator Watters asked if any roads or trails within the easement are classified as Class VI roads and who retains ownership of the roads.
 - Mr. Gorman stated he was uncertain about the specific legal status or historical classification of the roads, but stated they likely are not Class VI roads. He emphasized there have been cooperative maintenance between the state and landowner.

Mark Brady

Coos County Administrator

- Mr. Brady clarified that the Coos County Sheriff's Department regularly patrols OHRV trails year-round, allocating funds specifically for trail enforcement. He noted the Sheriff's office had nearly 800 patrol hours, issuing numerous warnings and citations in 2024.
- Mr. Brady explained the county budget for next year already includes \$30,000 specifically for OHRV trail enforcement.
- He highlighted that Coos County intentionally chose to promote OHRV tourism approximately 20 years ago to support the local economy and maintain essential county services.
- Mr. Brady emphasized the significant economic impact OHRV rides have on the North Country. He projected OHRV tourism would generate \$18 million in economic activity during the proposed two weekend extension.
- Mr. Brady stated there is overwhelming support for SB 127-FN from business owners in Coos County.
- He noted that approximately 30% of homes in Coos County are owned by non-residents, emphasizing the importance of tourism and recreation to the local economy.
- Senator Rosenwald asked if the \$18 million in economic activity from OHRV tourism primarily benefits Hillsborough and Rockingham Counties rather than Coos County, due to how the rooms and meals tax is distributed based on population.
 - Mr. Brady confirmed that Senator Rosenwald's assessment was correct. He stated Coos County generates significant tourism-related revenue but receives a disproportionately small share of rooms and meals tax revenues due to its low population.
- Senator Avard asked if it is possible to share some of the OHRV-related revenue with Fish and Game, referencing the department's financial challenges.
 - Mr. Brady agreed, stating that redistributing some revenue to Fish and Game would have positive

Representative Arnie Davis

Coos County 2nd District

- Representative Davis emphasized that the bill primarily promotes economic development rather than being just about OHRV trails.
- He noted the only opposition he has seen to the bill comes from people who live far away and are not directly impacted by local economic decisions.
- Representative Davis highlighted the property owners of the land where the OHRV trails exist are not opposed to extending the season.
- Representative Davis highlighted that the specific 10-mile OHRV trail has no direct neighbors or landowners who would be negatively affected by the bill.
- He emphasized the economic importance of keeping the trails open for two additional weekends, especially over the Columbus Day holiday weekend, to support Pittsburgh's local economy and prevent lost revenue.

- Representative Davis stressed that extending OHRV access would also benefit the state financially through increased rooms and meals tax and fuel tax revenue.
- He argued that it is unrealistic to suggest that hunting and OHRV use cannot coexist in 10.5-mile area, given they coexist throughout the rest of NH without issues.
- Representative Davis confirmed there would be no additional cost to the state or Fish and Game for extending the OHRV season.

Summary of testimony presented in opposition:

William Collins

- Mr. Collins opened by detailing his extensive background in safety, including service in the Navy, railroad safety roles, and as a federal railroad inspector.
- Mr. Collins expressed his strong safety concerns about mixing OHRV riders with hunters and hikers in Pittsborough, emphasizing potential hazards such as collisions and injuries due to speeding and limited visibility from dust.
- Mr. Collins provided statistics showing high numbers of OHRV speeding citations and accidents in Coos County, indicating a pattern of unsafe behavior from OHRV riders.
- He presented letters from hunters describing unsafe and disruptive encounters with ATVs.
- Mr. Collins argued that extending the OHRV season into October would negatively affect hunting tourism, which he believes generates more revenue and brings more visitors than OHRV activities.
- Mr. Collins stated that extending the OHRV season sets a precedent, leading to further expansion in future years.
- Mr. Collins questioned the claim about economic loss due to closing OHRV trails, noting that Pittsborough lodges remain fully booked in October by hunters.
- Senator Pearl noted that bow hunting season already overlaps with existing OHRV trail usage in September and asked Mr. Collins to clarify how extending ATV trail access for two additional weekends significantly changes the situation.
 - Mr. Collins stated that OHRV riders would not restrict themselves strictly to the 10.5-mile area, arguing that riders would go into surrounding areas, thereby increasing conflicts with hunters.
- Senator Pearl stated the bill restricts access to the 10.5-mile section of road.
 - Mr. Collins stated it is not realistic that riders would confine themselves to that area.
- Senator Rosenwald asked whether hikers already encounter OHRVs during summer months when trails are fully open.
 - Mr. Collins stated that such encounters may occur. Additionally, he emphasized that noise and disturbance from OHRVs are incompatible with the quiet, nature-focused lifestyle of the North Country.

Ann Davis

NH Timberland Association and NH Farm Bureau

- Ms. Davis opened by highlighting her role on the HB 1188 OHRV Study Commission and emphasized the importance of protecting landowner rights.
- Ms. Davis explained that the Connecticut Lakes Headwaters Citizen Committee recently updated their five-year stewardship plan in the spring of 2024. Additionally, she noted no OHRV representatives requested an extension of the trail season during that planning process.
- Ms. Davis recalled that during a Connecticut Lakes Headwaters Citizen Committee meeting in September, an offer to extend OHRV use by a three-mile connector was proposed as a compromise. However, the proposal was rejected by OHRV supports, who she claimed behaved disruptively.
- Ms. Davis expressed concerns regarding the precedent this bill could set for modifying conservation easements statewide, emphasizing that easements are permanent, detailed agreements not intended to be fluid or easily changed.
- Ms. Davis clarified that the Connecticut Lakes easement specifically lists primary uses as hunting, fishing, hiking, trapping, and snowmobiling. OHRV use is allowed only as secondary use.
- Ms. Davis highlighted that significantly 7x more licenses are issued to hunters and fishermen compared to OHRV riders, arguing that economic considerations should reflect the greater number of outdoor recreation participants.
- Senator Watters asked if the easement explicitly states road access can only be granted if it does not conflict with the stewardship plan.
 - Ms. Davis confirmed that is her understanding.
- Senator Watters noted the stewardship plan was recently updated and asked if passing this bill would contradict the authority of that stewardship plan.
 - Ms. Davis agreed, based on her understanding of the easement, HB 127-FN would conflict with the approved stewardship plan.
- Senator Watters recalled earlier testimony that claimed the state owns the roads in question. He asked Ms. Davis to clarify whether the property owner owns the roads, while the easement holder is responsible for maintenance.
 - Ms. Davis stated she is not an expert on ownership specifics but explained from her experience as an easement landowner that she maintains ownership of her land and pays taxes, though roads passing through properties can have separate legal statutes.
- Senator Pearl stated legislators are not attempting to undermine conservation easements. He acknowledged that each easement is unique and confirmed the legislature will carefully evaluate the impact SB 127-FN has on conservation agreements.

Abby Evankow

Resident of Gorham, Clerk of OHRV Study Commission

- Ms. Evankow expressed her concerns about OHRV impacts on hunting, wildlife, and other outdoor activities.

- Ms. Evankow shared anecdotal evidence from local hunters, noting that bird populations have noticeably decreased since OHRV trails opened, forcing hunters to travel farther to hunt.
- She emphasized that OHRV disturbances, such as noise and dust, significantly impact wildlife and recreational activities beyond the immediate trail area.
- She highlighted that OHRV riders currently have 18 weeks of access to Connecticut Lakes Headwaters, while bird hunters have only seven weeks. She noted if the bill passes, bird hunters would have their season reduced to five weeks.
- Ms. Evankow noted that many other recreational users, such as cyclists, avoid trails where OHRVs operate due to poor trail conditions.
- Ms. Evankow
- Ms. Evankow highlighted legal concerns that the proposed extension may conflict with existing state statutes requiring OHRV trails to be managed in cooperation with Fish and Game, which she stated has not occurred with SB 127-FN.
- Ms. Evankow questioned the reliability of statistics on economic impact cited by supporters.

Neutral Information Presented: None.

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Date Hearing Report completed: March 20, 2025