

**Commission to Study the Use of OHRVs in New Hampshire**  
**MEETING MINUTES**  
**Friday, August 11, 2023, 10 AM**  
**Lancaster, NH Department of Natural and Cultural Resources**  
**629B Main St., Lancaster, NH 03584**

**Present:**

Suzanne Smith, Chair, New Hampshire Association of Conservation Commissions  
Abby Evankow, Clerk, NH Rail Trails Coalition  
Representative Eamon Kelley, House RRD Committee  
Representative Mike Ouellet - Coos County  
Captain Michael Eastman, NH Fish and Game  
Chief Dan Buteau, NH Association of Police Chiefs  
Craig Rennie, Chief NH Bureau of Trails  
Paul Robitaille, NH Municipal Association  
Steve Jackson, North Country Council  
Steven Wilkie, NH Off Highway Vehicle Association  
Dan Bennett, NH Auto Dealers Association  
Paul Doscher, Society for the Protection of NH Forests/ Appalachian Mtn Club/ Nature Conservancy

**Guests:**

Clint Savage , BOT; Rick Samson, former County Commissioner;; Richard Parsons NHOHVA lobbyist (on phone); Terry Lambert NHOHVA secretary; Phil Beaulieu, DOT; Morgan Jatkwicz, Stratford - landowner.

**Absent:**

Andy Renzullo, Representative, House Resources Recreation and Development Committee  
George Sykes, Representative, House DOT Committee  
David Rodrique, NH Department Of Transportation - via Microsoft Teams  
Ann Davis, NH Timberland Owners Association / NH Farm Bureau Federation  
Member of Senate - not yet appointed; Captain Chris Vetter, NH State Police

10:02 AM Call to Order - Introduction of members and guests *Chair Smith*  
10:05 AM Approval of Minutes from June 2 meeting. Mr. Wilkie offers some clarifications/corrections. Unanimously approved with corrections.

Report on OHRV season this year: Flooding on trails; accidents; OHRV Jamboree; recent complaints from citizens.

Trail damage - majority in Pittsburg and Swanzey, (SW part of state). Ashuelot Rail Trail suffered a lot of erosion - one section ~ 100' x 80' of trail just gone. Perry Stream, Ct. Lake Headwaters property also suffered from flooding. Newer infrastructure held up better. \$100,000s of damage - need engineering design, permits etc. No disaster declaration has been made. BOT is reporting damage to Emergency Operations Center department representative Chief Steve Sherman, who shares storm damaged areas with NH Homeland Security and Emergency Management. There are limited DOT or BOT funds to repair trail washouts. No increase in accidents due to trail conditions. Caution ribbons used to mark closed trails have been torn down. Suggestion: put up snow fence + "prohibited" sign in middle so any vandalism is enforceable. In Colebrook vandals tore down a steel gate.

Decrease in accidents since last year. 2 at Jericho ATV Jamboree - one on trail, one in parking lot. 5,000 total riders participating in Jamboree. 69 tickets issued- most for speed. 40+ law enforcement personnel on site for Jericho ATV Jamboree.

Photos on Facebook show mud-bogging. Head Pond Connector trail was a river a month ago.

F&G given money to fill unfunded positions: 2 new hires are already sworn in, 2 more are in process, plan to hire more 2 more officers in September.

Chair Smith getting emails of complaints about OHRVs: possible trail use of road expansion in Henniker; Back Lake Road history.

Mr. Bennett wants to focus on issues of policy and statutes. Mr. Jackson says a homeowner leaving her house to live somewhere else in the summer to get away from ATV traffic is not right. Current statutes are not being followed. Is there an alternative to the court system- to appeal decision of opening areas to ATV riding? Voters have the option to replace select board members.

Complaints in Claremont. Mr. Willkie said 297 notifications were mailed out to open up 1.25 miles of road in Claremont. People can petition city of Claremont to close road.

Discussion about public input at Commission meetings. Mr. Doscher made a motion to allow public input at the end of commission meetings re: statutes, policy, and rules, not incidents. Seconded by Chief Buteau. Time given to speakers will be at discretion of chair. Unanimously approved.

Legislative Update:

SB160 (Montana Plates) passed with the special permits provision removed. RRD committee had concerns.

SB256 (Safety) "no fun bill" was vetoed by Governor Sununu. Opponents complained that SB256 implementation would make it the strictest law in New England, a "burdensome requirement to ride OHRVs." F&G got letters of concern from rental agents. Androscoggin Valley Chamber of Commerce also wrote against it. ADA assured rental agencies that the details of the rental safety course will be clearly defined in rules. The public has an opportunity to speak at those hearings, which has further

space for public input. SB256 was based on the boating safety-law passed in 2002 which drastically cut down boating accidents and fatalities. As of July 16 there was a 50 percent drop in OHRV accidents compared with 2022. None of the accidents were from rentals and in 14 out of 16 accidents, there was no safety course.

The boating safety law was part of a national push. NH is alone in attempting OHRV safety course requirement.

Education is needed for the bill to pass. NHOHVA sees the bill as taking care of landowners.

Chair Smith will write talking points re: SB256 for Commission members to educate Reps to help to overturn veto. Veto Day is January 3.

Mr Wilkie created flow-chart for F&G event permit vs. BOT Special Use Permit. It needs some corrections.

Example: 50 acre off-road park on private property in Warren. If landowner charges no fee, then has no liability for landowner. If landowner charges a fee, then landowner assumes liability.

Exception was made for Ted Burns' - North Country Rodeo.

Unregistered OHRVs events must stay in designated area.

Jericho traffic impacts neighborhoods.

DNCR Special Use Permit is for events on state lands for \$100. F&G Permit is for events on both private and public lands involving Unregistered OHRVs and snowmobiles. Some events need both DNCR & F&G permits. \$7.50 stays w/ F&G - the rest goes to BOT. \$42.50 of a F&G Event Permit goes to Grant in Aid. F&G issues more permits for snow events than summer events. Maybe 30 events a year.

Potential F&G Bills:

#1 Want to change law so if license is suspended for motor vehicles, then OHRVs and snowmobile riding will also be included. Now there is a loophole, can ride OHRV w/ expired license without real penalty. Right now there is no habitual offender penalty for OHRV riding. Would like a tiered system. NHOHVA would support further penalties such as for habitual mud season offenders, currently there is no meaningful penalty. Inexperience and speed contribute to more accidents than alcohol.

#2 - Increasing fine for operating without a registration decal to \$124.

Commission not yet ready to propose legislation for 2024. House deadline is in September.

Uproar about Headwaters land in Pittsburg being bought by company wanting to sell carbon credits. No change in trails. Percentage of land owner proceeds from timer

sales is designated for the roads. Cordage reducing each year - so significantly less investment into the roads. 250 miles of road managed by DNCR in Ct. Lake Headwaters - foresting & snowmobile and general public use. Previous owners allowed public to drive on roads. Endowment to support roads inadequate. Easement specifies that the intention is the land be kept as "working forest" and protect traditional uses - pre-ATVs. Special Sub-Committee of the CT Lakes Citizens Advisory Committee approved 6 miles of ATV road use as long as road maintenance is adequate. ATVs allowed to ride from Town Road to Lodge near First Lake. Easement requires forest management plan approved by DFL.

Future meetings: invite Natch Greyes from NHMA and Rep from House Municipal Committee.

Guests: Mr. Jatkwicz, Stratford - landowner: he closed the OHRV trail on his land. He wants to organize a landowner meeting to bring everyone together. There are many layers of issues.

Mr. Samson: cautioned against letting the public speak. Complimented Commission on their conduct.

Next meetings: Sept 29th, DNCR HQ in Concord 10am. Flesh out legislation to submit.

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December 15, DNCR HQ

12:00 PM Mr. Bennett motions to adjourn, 2nded by Mr. Doscher.