

HB 1188, Commission to Study the Use of OHRVs in New Hampshire

Friday, March 8, 2024, 10am

Department of Natural and Cultural Resources
172 Pembroke Rd., Concord, NH, Conference Room
Remote Access – Microsoft Teams

Present:

Mike Ouellet, Chair, Representative, Coos County
Abby Evankow, Clerk, NH Rail Trails Coalition
Andy Renzullo, Representative, House RRD Committee
Craig Rennie, BOT
Captain Michael Eastman, NH F&G
Steven Wilkie, NHOHVA
Paul Robitaille, NHMA
Ann Davis, NH TOA / NH FBF
Gary Newfield, NHACC
Paul Doscher, SPNHF/ AMC/ TNC
Steve Jackson, NCC abutter - remote
Chief Dan Buteau, NHAPC - remote

Absent:

Kevin Avard, Senator
George Sykes, Representative, House DOT Committee
Eamon Kelley, Representative, House RRD Committee
David Rodrique, DOT
Dan Bennett, NHADA
NH State Police - vacant

Guests: Terry Lambert NHOHVA secretary

Call to Order 10:02

Pledge of Allegiance, Introduction of Guests

Approval of Minutes from January 5, 2024 meeting. Motioned by Ms. Davis, 2nd by Mr. Rennie. Minor correction by Mr. Wilkie. Clarification that Haverhill, Lisbon, Washington Croydon, Monroe have been opening town roads to allow ATV access to Class VI roads, Woodland trails, and rail trails.

Legislative Update:

SB397 - \$2 million to repair storm damage, Senator Bradley supports. wants portion reserved for state lands. Mr. Newfield asked how trail funding fits into the commission's mandate. Mr. Wilkie explains commission should review all legislation so commission can recommend or not.

Need to build for higher standard to protect environment and to mitigate future damage. Culverts are high maintenance - now replacing with bridges to get trails out of floodway, less maintenance, better long term. Building more bridges equals more resilience. Watersheds contain increasingly more impervious surfaces leading to higher flooding volumes.

Rep Renzullo was part of process that created this commission. This commission would not exist if not for the incompatibility problems with residents. Impacts upon citizens is at the center of commission's work and what we have to work on the hardest. How do we balance economic benefit with residents?

HB1709 "establishing the forest carbon commission." submitted by Rep Kelly.

HB1697 addresses carbon off sets and attempts to create financial incentive to keep lands open to recreation and logging. Towns depend on taxes from logging. Ct. Lakes are in Pittsburg, which depends on the ~ \$100,000 in yearly timber taxes. Largest incorporated municipality in U.S. Concern is that the carbon offset market could limit motorized trails, so want financial incentive or neutrality on motorized trails. HB1697 passed the House.

SB 397 and HB 1697 are bi-partisan bills, supported by the County Delegation.

Fish & Game Committee field trip. The Committee is going to Berlin/Gorham area to meet w/ law enforcement and BOT, to learn about law enforcement and environmental impacts. Local officials Reps. Ouellet and Murphy want to bring committee north of notch. NHTOA represents million + acres. Will let commission know the date - sometime in July. Rep. Ouellet want to educate the committee. It is important to meet w/ residents. Mr. Newfield has friends in Berlin who are afraid to speak out b/c of perception of economic benefit.

2024 Proposed Hearings:

Rep Ouellet would like to set up 4 meetings this summer around state for commission to hear directly from residents: Colebrook, Berlin/Gorham, Claremont, Rockingham Trail. Meeting would include local Rep, town officials, residents. Some residents don't feel like they're being heard. Wants to hear abutter suggestions to make things better.

Haverhill Residents wanted to open more roads. Public hearing for roads to open - people spoke against certain roads, so some roads got removed from list . Now shorter list of roads is going to town meeting.

Colebrook - trail on Class VI rd - close to someone's house - club is trying to move 500' away, need to work w/ landowner to get permission.

In Gorham neighbors spoke at Planning Board Hearing and OHRV rental agency expansion was moved away from neighborhood.

HB 1494: currently before RRD committee, proposes to change Grant in Aid rules and definition of ATV club.

Subcommittee Update: Mr. Doscher is chair. Mr. Rennie provided history: RSA written before WAP and current tools. This RSA contains a lot of specifics, it is written more as rule rather than law. Subcommittee recommends backing away from specifics i.e. 350' from raptor nest - and put in goals and objectives and leave specifics to rule making. Goal is to protect wildlife, water, other users of state land; leave to rules to determine specifics to accomplish. Mr. Rennie gave examples of BOT going beyond current statute. With recent flooding events, the 5 year flood standard is now obsolete. Bridges are now seen as better than culverts for wildlife. Rules get updated regularly and more easily. Law says - use local road - that might not be best route for trail. Captain Eastman: 215A is F&G statute - so needs F&G rules - suggests moving statutes from F&G to DNCR.

Mr. Newfield -Who enforces 215A? Presidential Rail Trail management plan specifies no summer motorized use. Is there anyone to oversee BOT when not following RSA?

Some OHRV trails are on roads because there are no other options. Ride the Wilds was not appropriately designed. BOT needs gates to keep jeeps off trails - jeeps are trying to get on NH trails, but not in Maine or Virginia - not sure why.

Law Enforcement

Rep Ouellette has 2023 reports from Berlin and Colebrook and is asking for reports from Claremont, Rockingham, Sandown, Fremont. Mr. Robitaille will provide report from Gorham. Broader law enforcement poll - not seen as necessary.

F&G, sheriff departments are also responsible for OHRV law enforcement.

F&G has increased from 44 positions to 48, and hiring more. Goal is to get 50 officers. F&G is self-funded by licenses and portion of OHRV/snowmobile registration; funding for more officers is limited. Seasonal enforcement staff require same certifications as full time so not feasible.

Mr Wilkie talking to Chief Wilmont, Claremont: 10x the number of complaints on class V roads not open to OHRVs. Claremont has 10 mph limit for ATVs, but it is not enforceable because the state law for roads is 20 mph.

BOT is funded by registrations. How initiate user fee for non-motorized users? Tax on backpacks? BOT is working w/ NHRTC about funding avenues - donation button on park website, QR codes at trailheads. Mr. Rennie has very limited staff for whole state. Financial limitations are part of the problem. Captain Eastman: F&G grants to police departments are not working.

Is it useful to know that complaints are on trails or off trails?

Public Relations Strategy

Post-mortem of why safety bill died: labeled "no fun bill." Rep Renzullo recommends know your customer and small bills - stay away from large complicated bills.

Need different angle to promote safety. Commissioner Stewart and Exec Councilor Kenney advise promoting safety through tourist bureau.

Some advertising images are misleading and show off-road riding, wheelies etc. F&G is moving to take out advertising from gazette that promotes dust/wheelies/digging up terrain.

National TV advertisements promote off road riding. Trout Unlimited asked national car dealers to remove footage of trucks riding down streams with mixed success.

Accidents have been reduced, most now are from inexperienced, middle-aged riders. Rental agencies voluntarily put governors on their machines.

1% of tickets are for rogue riding.

How show respect to abutting neighbors?

Review of HB1188 – Where do we want to go? Role of Landowners & Abutters Marketing & Economic Impact

Next Meetings:

May 10, DNCR, Concord 10:00

July 12, DNCR, Lancaster, 10am. Invite rental agencies

Sept. 6 DNCR, Lancaster, 10am. Invite selectmen & club members

Motion to Adjourn Mr Newfield, seconded by Mr. Robitaille. 11:52

Respectfully submitted,
Abby Evankow, Clerk