

# Bill as Introduced

SB 107 - AS INTRODUCED

2011 SESSION

11-0981

10/09

SENATE BILL **107**

AN ACT relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.

SPONSORS: Sen. Gallus, Dist 1; Sen. Rausch, Dist 19; Rep. Theberge, Coos 4; Rep. M. Tremblay, Coos 4; Rep. Sapareto, Rock 5; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill exempts designated roads in the Connecticut Lakes Headwaters Working Forest from the evaluation process for the establishment of state trails for ATVs and trail bikes.

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Explanation: Matter added to current law appears in *bold italics*.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT                   relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1   New Paragraph; ATV and Trail Bike Operation on State Lands; Evaluation Process;  
2   Exemption Added. Amend RSA 215-A:43 by inserting after paragraph VIII the following new  
3   paragraph:

4           IX. This section shall not apply to change in use of designated gravel roads of the  
5   department of resources and economic development within the Connecticut Lakes Headwaters  
6   Working Forest to include ATVs.

7           2   Effective Date. This act shall take effect 60 days after its passage.

SB 107 - AS AMENDED BY THE SENATE

03/23/11 0994s

2011 SESSION

11-0981  
10/09

SENATE BILL **107**

AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SPONSORS: Sen. Gallus, Dist 1; Sen. Rausch, Dist 19; Rep. Theberge, Coos 4; Rep. M. Tremblay, Coos 4; Rep. Sapareto, Rock 5; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

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AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Committee Established. There is established a committee to study the effectiveness of criteria for  
2 establishing ATV and trail bike trails on state lands.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Three members of the senate, appointed by the president of the senate.

6 (b) Three members of the house of representatives, appointed by the speaker of the  
7 house of representatives.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to  
9 the duties of the committee.

10 3 Duties. The committee shall review the effectiveness of the existing evaluation process for  
11 new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter  
12 pursuant to RSA 215-A:42 and RSA 215-A:43, and, if appropriate, make recommendations for  
13 legislation to revise the process.

14 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
15 among the members. The first meeting of the committee shall be called by the first-named senate  
16 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
17 section. Four members of the committee shall constitute a quorum.

18 5 Report. The committee shall report its findings and any recommendations for proposed  
19 legislation to the president of the senate, the speaker of the house of representatives, the senate  
20 clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

21 6 Effective Date. This act shall take effect upon its passage.

CHAPTER 124  
SB 107 - FINAL VERSION

03/23/11 0994s

2011 SESSION

11-0981  
10/09

SENATE BILL **107**

AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

SPONSORS: Sen. Gallus, Dist 1; Sen. Rausch, Dist 19; Rep. Theberge, Coos 4; Rep. M. Tremblay, Coos 4; Rep. Sapareto, Rock 5; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

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AMENDED ANALYSIS

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CHAPTER 124  
SB 107 - FINAL VERSION

03/23/11 0994s

11-0981  
10/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT                    establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1        124:1 Committee Established. There is established a committee to study the effectiveness of  
2 criteria for establishing ATV and trail bike trails on state lands.

3        124:2 Membership and Compensation.

4            I. The members of the committee shall be as follows:

5                (a) Three members of the senate, appointed by the president of the senate.

6                (b) Three members of the house of representatives, appointed by the speaker of the  
7 house of representatives.

8            II. Members of the committee shall receive mileage at the legislative rate when attending to  
9 the duties of the committee.

10        124:3 Duties. The committee shall review the effectiveness of the existing evaluation process for  
11 new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter  
12 pursuant to RSA 215-A:42 and RSA 215-A:43, and, if appropriate, make recommendations for  
13 legislation to revise the process.

14        124:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson  
15 from among the members. The first meeting of the committee shall be called by the first-named  
16 senate member. The first meeting of the committee shall be held within 45 days of the effective date  
17 of this section. Four members of the committee shall constitute a quorum.

18        124:5 Report. The committee shall report its findings and any recommendations for proposed  
19 legislation to the president of the senate, the speaker of the house of representatives, the senate  
20 clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

21        124:6 Effective Date. This act shall take effect upon its passage.

22        Approved: June 2, 2011

23        Effective Date: June 2, 2011

# Amendments

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Sen. Odell, Dist. 8  
March 3, 2011  
2011-0626s  
10/04



Amendment to SB 107

1 Amend the title of the bill by replacing it with the following:

2  
3 AN ACT establishing a committee to study the use of designated roads in the Connecticut  
4 Lakes Headwaters Working Forest for all terrain vehicles.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7  
8 1 Committee Established. There is established a committee to study the use of designated roads  
9 in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.

10 2 Membership and Compensation.

11 I. The members of the committee shall be as follows:

12 (a) Three members of the senate, appointed by the president of the senate.

13 (b) Three members of the house of representatives, appointed by the speaker of the  
14 house of representatives.

15 II. Members of the committee shall receive mileage at the legislative rate when attending to  
16 the duties of the committee.

17 3 Duties. The committee shall determine whether and to what extent the evaluation process for  
18 new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter  
19 pursuant to RSA 215-A:43, should be applied to the use of designated roads in the Connecticut Lakes  
20 Headwaters Working Forest.

21 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
22 among the members. The first meeting of the committee shall be called by the first-named senate  
23 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
24 section. Four members of the committee shall constitute a quorum.

25 5 Report. The committee shall report its findings and any recommendations for proposed  
26 legislation to the president of the senate, the speaker of the house of representatives, the senate  
27 clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

28 6 Effective Date. This act shall take effect upon its passage.



2011-0626s

AMENDED ANALYSIS

This bill establishes a committee to study the use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.

Amendment to SB 107

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV  
4 and trail bike trails on state lands.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Committee Established. There is established a committee to study the effectiveness of criteria  
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10 2 Membership and Compensation.

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15 II. Members of the committee shall receive mileage at the legislative rate when attending to  
16 the duties of the committee.

17 3 Duties. The committee shall determine whether and to what extent the evaluation process for  
18 new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter  
19 pursuant to RSA 215-A:42 and RSA 215-A:43, should be amended to provide flexibility to the bureau  
20 of trails.

21 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
22 among the members. The first meeting of the committee shall be called by the first-named senate  
23 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
24 section. Four members of the committee shall constitute a quorum.

25 5 Report. The committee shall report its findings and any recommendations for proposed  
26 legislation to the president of the senate, the speaker of the house of representatives, the senate  
27 clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

28 6 Effective Date. This act shall take effect upon its passage.



2011-0869s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.





2011-0976s

AMENDED ANALYSIS

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

Amendment to SB 107

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study the effectiveness of criteria for establishing ATV  
4 and trail bike trails on state lands.  
5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Committee Established. There is established a committee to study the effectiveness of criteria  
9 for establishing ATV and trail bike trails on state lands.

10 2 Membership and Compensation.

11 I. The members of the committee shall be as follows:

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26 legislation to the president of the senate, the speaker of the house of representatives, the senate  
27 clerk, the house clerk, the governor, and the state library on or before November 1, 2011.

28 6 Effective Date. This act shall take effect upon its passage.

**Amendment to SB 107**  
**- Page 2 -**

2011-0994s

**AMENDED ANALYSIS**

This bill establishes a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.



# Committee Minutes

**SENATE CALENDAR NOTICE  
ENERGY AND NATURAL RESOURCES**

Senator Bob Odell Chairman  
 Senator John Gallus V Chairman  
 Senator Jeb Bradley  
 Senator Gary Lambert  
 Senator Amanda Merrill

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

**Date: January 27, 2011**

**HEARINGS**

**Thursday**

**2/10/2011**

**ENERGY AND NATURAL RESOURCES**

**LOB 102**

**10:00 AM**

(Name of Committee)

(Place)

(Time)

**EXECUTIVE SESSION MAY FOLLOW**

<p>10:00 AM SB46</p> <p>10:15 AM SB55-FN</p> <p>10:30 AM SB106</p> <p>✓ 10:45 AM SB107</p> <p>11:00 AM SB128-FN-A</p>	<p>extending and revising the commission to develop a plan for the expansion of transmission capacity in the north country.</p> <p>requiring certain engine coolants and antifreeze to include an aversive agent so that they are rendered unpalatable.</p> <p>naming the visitor center at Jericho Mountain state park for Robert Danderson.</p> <p>relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.</p> <p>establishing a fee on occupancy of sleeping accommodations of the Appalachian Mountain Club and the Randolph Mountain Club to fund search and game rescue operations of the fish and game department.</p>
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**Sponsors:**

**SB46**

Sen. John Gallus  
 Rep. William Remick

Sen. Bob Odell  
 Rep. Herbert Richardson

Sen. Sharon Carson

Rep. Laurence Rappaport

**SB55-FN**

Sen. Bob Odell  
 Rep. John Reagan

Sen. Jeb Bradley  
 Rep. Charlene Lovett

Sen. Amanda Merrill

Rep. David Bettencourt

**SB106**

Sen. John Gallus  
 Rep. Marc Tremblay

Sen. Lou D'Allesandro  
 Rep. Yvonne Thomas

Sen. John Barnes, Jr.  
 Rep. William Remick

Sen. Sharon Carson  
 Rep. John Tholl

**SB107**

Sen. John Gallus  
 Rep. Frank Sapareto

Sen. Jim Rausch  
 Rep. Dennis Fields

Rep. Robert Theberge

Rep. Marc Tremblay

**SB128-FN-A**

Sen. Lou D'Allesandro

Sen. John Gallus

Rep. Gene Chandler

Rep. Paul Mirski

START: 10:45 am

END: 11:18 am

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

# Energy and Natural Resources Committee

## Hearing Report

**TO:** Members of the Senate

**FROM:** Richard Parsons, Legislative Aide

**RE:** Hearing report on SB 107 – relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.

**HEARING DATE:** 02/10/2011

**MEMBERS OF THE COMMITTEE PRESENT:** Senators Odell, Gallus, Bradley, Lambert, Merrill

**MEMBERS OF THE COMMITTEE ABSENT:** No one

**Sponsor(s):** Sen. Gallus, Dist 1; Sen. Rausch, Dist 19; Rep. Theberge, Coos 4; Rep. M. Tremblay, Coos 4; Rep. Sapareto, Rock 5; Rep. Fields, Belk 2

**What the bill does:** This bill exempts designated roads in the Connecticut Lakes Headwaters Working Forest from the evaluation process for the establishment of state trails for ATVs and trail bikes.

**Who supports the bill:** Sen. John Gallus, District 1; Sen. Rausch, District 19; Rep. Gene Chandler, Carr 1; Sandy Falicon, NH Fish and Game; Chris Gamache, DRED

**Who opposes the bill:** Will Abbott; Joel Harrington, The Nature Conservancy;

**Neutral position:** Edith Tucker, Coos County Democrat

**Summary of testimony received:**

Senator John Gallus, District 1- prime sponsor

- Hearing opened at 10:45 AM
- This bills exempts designated roads in the Connecticut Lakes Headwaters Working Forest from the evaluation process for the establishment of state trails for ATVs and trail bikes.
- The bill does not open any roads for ATV use.

- Rather, it removes a prohibitive set of criteria from existing roads being opened for ATV use.
- A criterion was developed for new trails being built on existing park/forest lands in NH.
- Designated roads on the Connecticut Lakes Headwaters were purchased by the state with future potential for ATV connector routes to be designated.
- The current recreation plan allows for ATV proposal to connect trails systems on the designated roads.
- Local communities are supporting proposal to connect trails in Pittsburg out to Errol and Colebrook area and these roads are the only physical connection.
- Possible connection routes are on existing "designated roads" which are gravel and currently maintained by DRED.
- Statutory Citizens Committee still manages the recreational decision process and recommendation authority to DRED on any proposals.
- Question from Senator Odell: Is this the 1,000 acres?
  - Yes, the IP track
- Odell: Right now, I can drive in there but right now there are restrictions on the roads unless you meet the criteria?
  - They want permission to be able to put in trails that they need because there have been issues about getting permission from DRED to connect.
  - The process is very cumbersome and this would streamline it.
  - It wouldn't open all the roads, just some they need.
  - The Berlin ATV Park is in its infancy but it really has the potential to grow.
  - The City of Berlin allows you to drive on roads to get between some of the trails.
  - We hope all these trails will connect to the park in Berlin.
  - There are only 5 parks that do this in the Country and it would create a bit more economic growth for the struggling area.

Will Abbott, Society for the Protection of NH Forests and The Nature Conservancy

- In opposition
- History about this property
  - Ten years ago, the private timber company sold the land for about \$43 million and NH and private dollars were raised for the acquisition.
  - The relationship today is that the timber company owns the land and the State of NH has a 140,000 acre easement on the property.
- One of the purposes was not for future ATV trails as Senator Gallus mentioned.
  - Private land owner opposes this legislation.

- This doesn't go by the rules and laws of the how the state develops ATV trails and gives a blanket exemption to 146,000 acres to that rulebook.
  - Total of 424 miles of identifiable roads
    - State has rights to manage the recreational use of 269 miles of roads.
  -
- Question from Odell: 2002, had a study committee that had levels of criteria that designated the two different kinds of environmental protections?
  - Coarse filters and fine filters
    - 9 coarse filters and 28 fine filters
  - This review process was to make sure there was some rigor to the decision making about allowing the ATV use of trails that traditionally had not been used.
  - This introduction of ATVs is something new
- Odell: An issue involved with contributors?
  - Some will be very surprised to see that ATVS would be allowed on this land.
- Comment from Senator Gallus: Concern is that a giant investment is from taxpayers and the local person doesn't get the multi-purposes it is difficult. True multiple uses should be seen. At Nash stream it took years to connect trails when already using open roads.
  - If you go back to the original deal, the understanding that all the property owners had was clear that the ATV issue was discussed.
- Question from Senator Bradley: State contributed \$12 million. Would the society challenge giving criteria for interconnecting trails as opposed to full use?
  - For the Forest Society, ATV use should not be allowed at all and any change in the original agreement could not be supported.

#### Joel Harrington, TNC

- Been deeply committed to the area and involved when the private-public deal was made.
- In 2007, when the public was asked most people recommended not using it for ATV use to keep up property values.
- RSA 215-A:43 was created in 2002 at almost the same time as this acquisition.
- It always have been understood that it would be used for this area of the state.
- Another concern is the bill would circumvent years of effort to form the process.
- The acquisition was touted as a once-in-a-generation opportunity.
- Perhaps the most significant conservation achievement in New Hampshire history since Congress passed the Weeks Act in 1911.
- The Department's process really defines what will achieve a good recreational experience for everyone.

## Rep. Gene Chandler

- Concerns
- Not a big problem with a connecting route but not to open the whole area.
- Road maintenance fund would be a concern.
  - Would need additional money to make sure it is funded.
- The key thing is making sure the Connecticut Lakes Advisory Committee has the necessary input.

## Chris Gamache, DRED

- Misconceptions: Does not open roads in the area.
- There is an existing recreation plan and the current recreation plan allows for them to look at ways to connect.
  - The first 5-year recreational plan called for a status quo
    - Which is no ATV use on the property.
  - Current language allows for us to look at potential connector trails from existing recreational areas.
- This would remove the prohibitive language, and when the agreement was made 10 years ago they knew there were flaws.
- Exemptions added: designation of rail corridors, gravel roads within Jericho State Park, and DOE rights-of-way
- Purchased by the state and there was consideration for future ATV use at that time.
- The selectmen boards in Pittsburg and Errol have asked for us to look at connecting routes.
- The easement does not allow ATVs off the gravel roads.
- Bureau of trails is responsible for the maintenance
- The statutory citizen's council will still continue to manage the recreation and any possible request.
- That law is prohibitive and has limited to only new ATV trails in Jericho Park since we passed the law.
- ATV is needed in the North Country.
  - ATV use is one of the eight grand adventures in the North Country.
- Question from Sen. Odell: Relative to the physical block that is there. It would have been a physical block even if the state had not bought it, correct?
  - Correct, the reason the state but the block was primarily to protect snowmobiling and a private land owner could have impacted that.
- Question from Senator Odell: Are you suggesting that maybe this bill go to study and we need a thoughtful discussion?
  - If there was another option other than ITL I would say yes. We need to resolve problems.
- Question from Senator Bradley: What was the full acquisition costs?
  - Some private donations and the timber company make up the \$44 million along with the state's \$12 million and \$10 million from Senator Gregg.

- Question from Senator Merrill: Can we get copies of map that shows the different parcels?
  - Can get copies.
- Question from Senator Bradley: Understanding is that you already have the authority to designate roads as ATV use but listening to yours it sounds like you can't. Can you explain.
  - Could through council but then would have to go through 43 step criteria process.
  - We know some of those criteria would never be met.
- Gallus: So what you are saying is the current system doesn't work?
  - No, it doesn't.

Hearing closed at 11:18 AM

**Funding:** Not applicable.

**Future Action:** Pending

RMP

[file: SB 0107 report]

Date: 02/11/2011

# Speakers





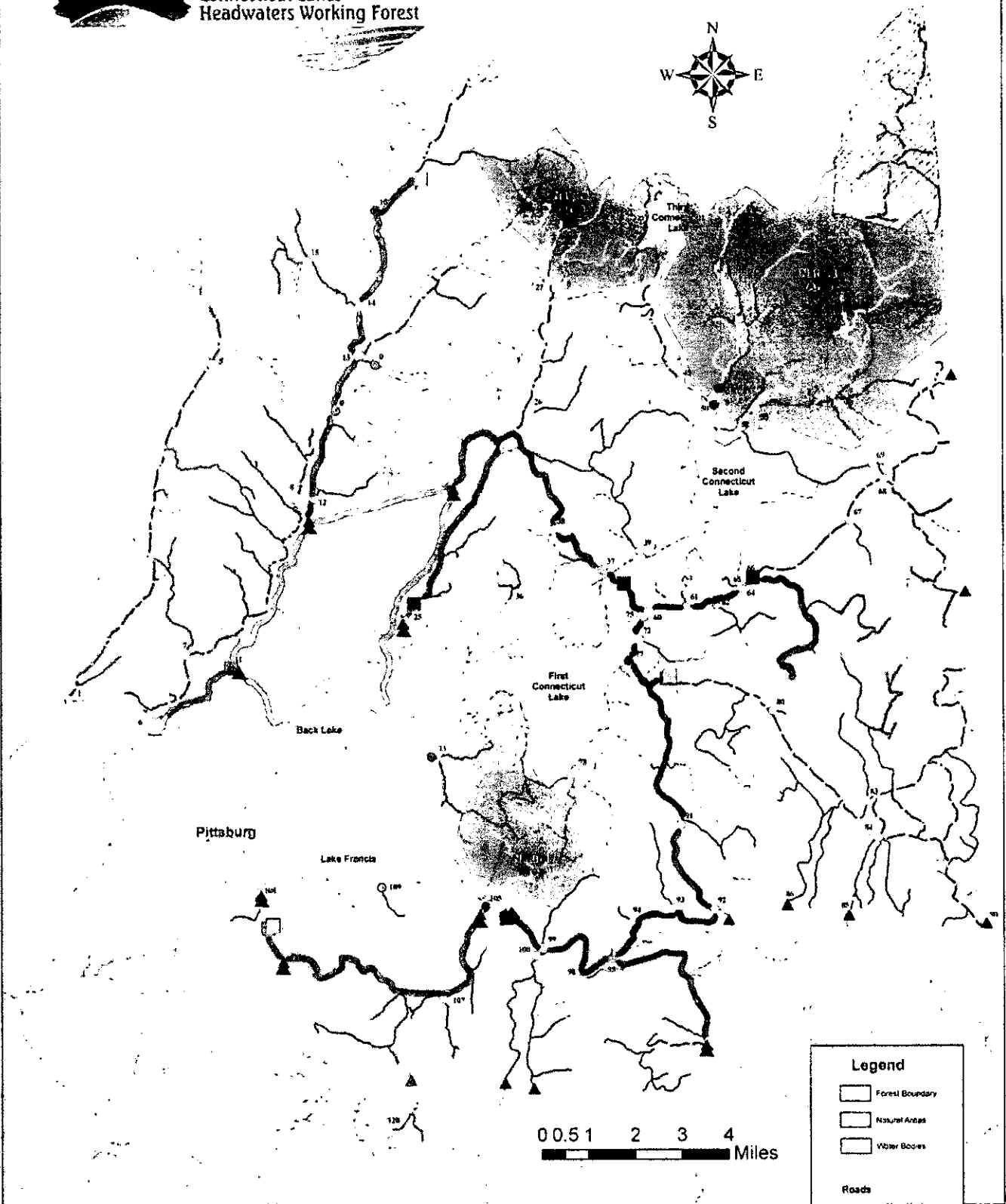
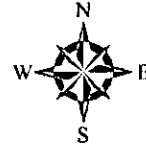


# Testimony



Connecticut Lakes  
Headwaters Working Forest

# Great North Woods ATV Trails Proposal



**Legend**

- Forest Boundary
- Natural Areas
- Water Bodies

**Roads**

- Main Road
- Gravel
- Other

**Gate / Jurisdiction**

- CLC
- F&E
- NH&M
- Other

Data Source: NH Grant, TPL, CLTC

Potential Parking Area

Potential Trail Connector Point

Areas Not Available For ATV Use

Current North Country ATV Riders Trail System

Roads Not Available For ATV Use

Proposed Parking Area

Proposed Trail Connector Point

Proposed Trails

Trails on Other Property Owner's Land

# TITLE XVIII FISH AND GAME

## CHAPTER 215-A OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS

### ATV and Trail Bike Operation on State Lands

#### Section 215-A:43

**215-A:43 Evaluation Process.** – Any new ATV or trail bike trail proposal on state-owned property shall be evaluated by the department of resources and economic development using a 2-step process.

I. The new ATV or trail bike trail proposal shall be considered to have passed the initial screening process if the following coarse filter criteria are met:

(a) There are no deed restrictions, laws, or purchase funding source restrictions that prohibit the use of ATVs or trail bikes on the property.

(b) Less than 90 percent of the property is composed of the following types of areas in combination:

(1) Exemplary natural communities as defined in RSA 217-A:3, VII as identified by the natural heritage bureau;

(2) Habitat necessary for the successful breeding or survival of federal or state listed endangered or threatened species; and

(3) Forested wetlands consisting of group IIB forest soils as defined and mapped by the Natural Resources Conservation Service or non-forested wetlands as defined by the department of environmental services.

(c) If it is to be a self-contained trail network, at least 700 contiguous acres are available within which the trail network can be situated, in either single state ownership or as a combination of abutting state properties.

(d) If it is to be a trail corridor link, the trails which are being connected exist or will exist when the trail corridor link is established, or shortly thereafter.

(e) The use of ATVs or trail bikes on the property does not conflict with the purpose for which the property was acquired by the state as provided by law, or as attested to by letters from grantors, department memoranda, historic records, or other credible documents, or, if such conflict exists, it has been set aside by some legal means that includes a formal review process by the custodial state agency.

(f) The use of ATVs or trail bikes on the property is not prohibited by an existing management plan for the property.

II. A new ATV or trail bike trail proposal that has passed the initial screening process of the coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be considered to have passed such phase if the following fine filter criteria are met:

(a) The new trail is supported by an organized ATV or trail bike club recognized by the bureau.

(b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit established by law.

(c) Adequate parking exists or will be developed for the type of trail being proposed and the number of expected riders.

(d) The bureau has given due consideration to local planning and zoning ordinances.

(e) The proposed trail does not pass through a parcel with deed restrictions.

(f) The bureau has given due consideration to local noise and obnoxious use ordinances.

- (g) The proposal is reasonably compatible with existing uses.
- (h) The proposal does not violate federal, state, or local laws.
- (i) The proposal includes a monitoring and response system designed to detect and correct adverse environmental impacts.
- (j) The proposed trail layout incorporates existing motorized travel corridors whenever possible.
- (k) The proposed trail layout minimizes further fragmentation of blocks of forestland by locating trails on areas with existing development whenever possible.
- (l) The proposed trail does not pass through a wellhead protection area as determined by the department of environmental services under RSA 485:48, II.
- (m) The proposed trail is not located on earthen dams, dikes, and spillways.
- (n) The proposed trail avoids areas having soil types classified as important forest soil group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts.
- (o) The proposed trail is not within 100 feet of the ordinary high water mark of first and second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher streams, except for purposes of stream crossing.
- (p) All stream crossing structures meet 5-year flood design criteria.
- (q) The proposed trail is not within 200 feet of any water body, forested or non-forested wetland, or vernal pool.
- (r) The proposed trail avoids elevations over 2700 feet.
- (s) The proposed trail avoids important wildlife habitat features for species of concern.
- (t) The proposed trail avoids known locations of federally and state listed endangered or threatened species, or their habitat, as specified on a site-specific basis by the fish and game department.
- (u) The proposed trail avoids known locations of rare plants and exemplary natural communities, as specified on a site-specific basis by the natural heritage inventory.
- (v) The proposed trail avoids alteration or disturbance of unique geologic features, formations, and designated state geologic waysides, as specified on a site-specific basis by the state geologist.
- (w) The proposed trail avoids alteration, disturbance, and adverse impacts to cultural and historic resources.
- (x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650 feet of trees with eagle or osprey nests.
- (y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330 feet from the edge of wetlands containing heron rookeries.
- (z) The proposed trail layout has a safe and appropriate trail design.
- (aa) Safety standards for highway crossings are met.
- (bb) Any planned use of the proposed trail with other uses is safely accommodated.
- (cc) Local enforcement officers have been contacted to review and provide input regarding enforcement issues.

III. The bureau shall hold at least one meeting to inform the public and local cities and towns of the plan and layout for a proposed ATV or trail bike trail, consistent with the fine filter criteria in paragraph II, and to provide an opportunity for the public to comment. Information on the plan and layout shall be made available to the public at a place in the local area in which the proposed trail is to be located, at the bureau's office in Concord, and on a public accessible Internet site maintained by the bureau. The meeting and the places to obtain the information on the plan and layout shall be advertised at least 14 days prior to the meeting in a newspaper of statewide circulation and also in any local newspapers to the cities and towns in which the state property is located.

IV. No person shall operate an OHRV wider than 50 inches or over 1000 pounds on any state-owned trails.

V. This section shall not apply to the change in use designation of rail trails to include ATV and trail bike use.

VI. The property acquired for the purposes of developing ATV and trail bike trails in the city of

Berlin by the department of resources and economic development, division of parks and recreation, bureau of trails, and any abutting land donated or acquired after the effective date of this paragraph, shall hereby be known as Jericho Mountain state park.

VII. Notwithstanding the provisions of this section to the contrary, at Jericho Mountain state park:

(a) An ATV or trail bike trail may be established and subsequently maintained within Jericho Mountain state park even though it:

(1) Is within 330 feet of a known raptor nest provided that it is not within 650 feet of trees with eagle or osprey nests; or

(2) Fails to comply with the criteria in RSA 215-A:43, II(o) and (q) to the extent that it is utilizing an existing surface roadway located within the protected area which would reduce adverse environmental impacts.

(b) Site specific waivers of the criteria specified in RSA 215-A:43, II(o) and (q) are only allowed on trails in Jericho Mountain state park provided that all of the following criteria are met:

(1) There is no practicable alternative location of the trail that would meet the criteria in RSA 215-A:43, II;

(2) The proposed trail location and construction is the least impacting alternative; and

(3) Conditions of the site specific waiver are authorized in writing by:

(A) The department of resources and economic development, in agreement with the fish and game department, for waivers at Jericho Mountain state park that will have no impact on water quality; or

(B) The department of resources and economic development, in agreement with the fish and game department and the department of environmental services for waivers at Jericho Mountain state park that may have an impact on water quality.

(c) A person may operate an OHRV within Jericho Mountain state park which weighs up to 1,200 pounds and is no wider than 60 inches.

VIII. This section shall not apply to department of transportation property required for trail crossing or connector permits at, or which directly connect to, Jericho Mountain state park.

**Source.** 2002, 233:16, eff. July 1, 2002. 2003, 295:8-10, eff. July 1, 2003. 2005, 236:5, eff. Sept. 9, 2005. 2007, 341:1, eff. July 1, 2007. 2010, 343:10, eff. Sept. 18, 2010.

**Testimony of Joel M. Harrington, Director of Government Relations  
Senate Bill 107  
Relative to Use of Designated Roads in the CT Lakes Headwaters Working Forest  
New Hampshire Senate  
Energy and Natural Resources Committee**

**February 10, 2011**

Dear Mr. Chairman and Members of the Committee:

The Nature Conservancy (TNC) appreciates the opportunity to comment on Senate Bill 107, An Act Relative to the Use of Designated Roads in the Connecticut Lakes Headwaters Working Forest for All Terrain Vehicles. TNC is deeply committed to the long-term sustainability of the unique natural resource values of the Connecticut Lakes Headwaters region, a commitment that began in 1990 when Champion donated the true headwaters of the Connecticut River to our organization, and more recently with our acquisition and subsequent transfer to the State of New Hampshire of the 25,000 acre Connecticut Lakes Natural Area (CLNA) which is in the heart of the Working Forest. We believe that Senate Bill 107, is a departure from years of public engagement and understanding on how the State will move forward with its evaluation of All Terrain Vehicles within the Connecticut Lakes Headwaters Working Forest.

Since 1961, TNC's New Hampshire Chapter has partnered with the state, local communities, and conservation organizations to document and conserve large intact forests, rare and threatened species, exemplary natural communities, and landscape-scale ecosystems in the North Country. We have been involved in the planning process for the Connecticut Lakes Headwaters Working Forest and Natural Area since its inception and are reminded of the common thread that has appeared throughout the public listening sessions and comments, namely that the Connecticut Lakes Headwaters remains a place of "solitude, peacefulness, quiet, natural beauty, and remoteness."

TNC believes that the final plan, as put forward by the N.H. Department of Resources and Economic Development, is well balanced and charts a course that reflects those in the North Country who not only have an appreciation for the Great North Woods but expect a thorough evaluation process when it comes to opening vast areas of remote woodlands to recreational use. Based on this sentiment we raise the following concerns with the bill:

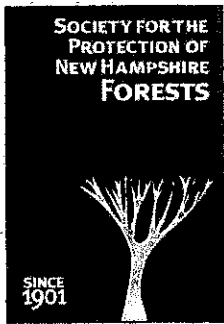
- **The evaluation process outlined in RSA 215-A:43 was developed at the same time the Connecticut Lakes Headwaters Working Forest was created:** It was always the intent that RSA 215-A:43 was not only designed for areas such as the Working Forest area but would in fact be used for such areas in our state.



- **Senate Bill 107 would circumvent a process that was developed after many years of public comment and engagement relative to the use of designated roads within the Working Forest;**
- **If Senate Bill 107 were to pass, it is unclear what evaluation process would be used by the State to ensure that all terrain vehicles do not encroach upon sensitive lands within the Working Forest as well as logging operations;**
- **N.H. Department of Resources and Economic Development and N.H. Fish and Game Department lack adequate resources to manage, monitor, and enforce ATV use.**

When the Connecticut Lakes Headwaters tract was before the N.H. General Court for a \$10 million appropriation, it was touted as a “once-in-a-generation” opportunity, perhaps the “most significant conservation achievement in New Hampshire’s history since Congress passed the Weeks Act in 1911 creating the White Mountain National Forest.” We are confident that the plan which the Department has put forth and the evaluation process in RSA 215-A:43 will keep intact the vast working forest that defines northern New Hampshire, provide diverse recreation and public access opportunities, and leave future generations to marvel at today’s vestige of “unconfined backwoods” only to reflect upon with pride that when the State of New Hampshire had the opportunity, it saved one of the last great places in the Granite State.

Thank you.



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Concord, NH 03301

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info@forestsociety.org  
www.forestsociety.org

February 8, 2011

Senator Robert Odell, Chairman  
NH State Senate Energy and Natural Resources Committee  
The State House  
Concord, NH 03301

Dear Chairman Odell and Members of the Committee:

Ten years ago the Forest Society was a major partner in the crafting and completion of the state's largest land conservation project, the Connecticut Lakes Headwaters Forest. This project permanently conserved over 171,000 acres of working forest land, by recruiting Lyme Timber Company to purchase the land subject to a conservation easement held by the State of New Hampshire. The project was made possible by a public-private partnership that brought a total of \$42 million to the table including public and privately raised funds.

Members of the Forest Society's staff served on Governor Shaheen and Senator Gregg's Task Force which designed the project, and on the Technical Review Team that developed the background materials and data. Our staff also participated as formal advisors to the Division of Forest and Lands staff and the attorney general in the negotiations that produced the conservation easement on the property. Finally, our staff secured private donations that led to the creation of the stewardship funds that support the ongoing management and care of the easement and state owned road system. One of our staff presently serves on the Connecticut Lakes Headwaters Citizens Advisory Committee.

We write today to express our opposition to Senate Bill 107, *AN ACT relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles*, for two reasons.

First, the current owner of the land opposes this legislation. We believe the State has a strong interest in respecting the landowner's position on this issue, because of the unique relationship between the State and the landowner in this circumstance.

Second, the practical effect of this bill is to remove all the common sense screening criteria that all publicly managed trail networks should be subject to.

The original Task Force plan for the Connecticut Lakes Headwaters Forest conservation easement recommended that the project allow for "traditional recreational uses" of the Forest under the auspices of the easement. The task force specifically did not include ATVs within the definition of traditional uses. This was in part because the private land owners who had previously allowed most public uses, had never permitted ATV use on the Forest or the road system.

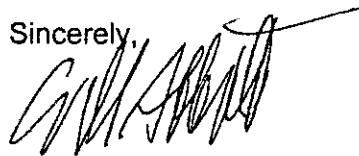
The conservation easement provides for a process of considering other uses on the Forest through the development of a Recreation Plan. That plan, recently adopted, permits DRED under certain circumstances to consider allowing ATVs upon the proposal from a local ATV club. Such a proposal has been made, although it is still in the development stages. This proposal requires considerable analysis before it can be finalized, and under current law, will require that analysis be conducted in a reasonable way, and be subject to public review.

Because ATV use on the state owned gravel roads currently used by forestry operations and the public in conventional vehicles poses potential safety, enforcement and user conflict problems, we feel strongly that the existing statutory review process should not be short circuited, as proposed by this legislation. The public, which paid for this easement project, has the right to know that a full and open analysis of the pros and cons of ATV use will be conducted by DRED before any such plan is approved.

Finally, it is important that the concerns of the NH Fish and Game Department be fully considered in any such ATV plan. The Department has stated on the record that it does not have the financial or personnel resources to enforce existing law on a substantially expanded ATV system in the region. We believe that the evaluation process outlined in RSA 215-A:43 for review of ATV trails provides the correct means by which to assure that consideration is given to this enforcement problem and provide public comment on it.

In summary, the Forest Society opposes SB 107 and requests the Committee advance to the full Senate a recommendation of Inexpedient to Legislate.

Sincerely,

A handwritten signature in black ink, appearing to read 'Will Abbott', with a long horizontal flourish extending to the right.

Will Abbott

Vice President for Policy & Land Management



# The Forestland Group, LLC

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February 3, 2011

Senator Robert Odell, Chairman  
Energy and Natural Resources Committee  
107 N. Main Street  
Room 302 - State House  
Concord, NH 03301

Chairman Odell,

My name is Matthew Sampson and I am the Northeast Regional Director for The Forestland Group, LLC (TFG). TFG is a timberland investment company and managing partner for Heartwood Forestland fund VI, L.P. (HFF VI). HFF VI purchased the Connecticut Lakes (CT Lakes) properties from Lyme Timber in 2009. These properties make up the Connecticut Lakes Headwaters Working Forest (CLHWF) located at the northern-most tip of the state in the towns of Pittsburg, Clarksville and Stewartstown.

I am writing to you today to express concerns regarding Senate Bill SB 107, *AN ACT relative to use of designated roads in the Connecticut Lakes Headwaters Working Forest for all terrain vehicles.*

The CLHWF is managed under the conditions set forth in the Conservation Easement held by the State of New Hampshire. The purpose of the easement is focused on encouraging a variety of multiple use conservation values including but not limited to; forest management, conservation of natural resources, protection of unique ecosystems and species, public recreation, public access, and open space preservation. As all of these values are viewed collectively, no one activity can be approached without evaluating the impact on the others. With this in mind, the evaluation process outlined in RSA 215-A:43 is a critical step toward ensuring that ATV activity on the state owned roads throughout the CLHWF does not unnecessarily conflict with all the other values recognized in the easement.

**Because SB 107 seeks to circumvent a critical evaluation process of review, environmental assessment, and public input, TFG in capacity of manger of the CT Lakes ownership strongly opposes the passage of this bill.**

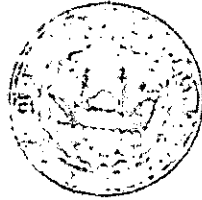
Feel free to contact me any time for more details regarding this issue and/or for any questions you might have regarding TFG as the manager of this property and the State of New Hampshire's new natural resources partner.

Thank you for your time and consideration.

Sincerely,

Matthew Sampson

cc: Jasen A. Stock – NH Timberland Owners Association  
Mike Hinchey – V.P. Forest Operations, TFG



PETER BRAGDON  
PRESIDENT OF THE SENATE

THE GENERAL COURT  
OF  
NEW HAMPSHIRE  
CONCORD 03301

WILLIAM O'BRIEN  
SPEAKER OF THE HOUSE

**SB 107**  
**Chapter 124:1, Laws of 2011**

*An Act establishing a committee to study the effectiveness of  
criteria for establishing ATV and trail bike trails on state lands.*

**FINAL REPORT**

The above named Joint Legislative Study Committee selected to study issues relative to the effectiveness of the existing evaluation process for ATV and trail bike trail proposals on state-owned property known as coarse and fine filter pursuant to RSA 215-A:42 and RSA 215-A:43, and if appropriate, make recommendations for legislation to revise the process, having duly met offers the following final report.

## OVERVIEW

1. The committee met 10/4/11 and named Senator Sanborn the chairperson of the committee.
2. RSA 215-A:43, as originally passed into law, is both missing a key point regarding the *intent* of the fine filter section from the June 21<sup>st</sup>, 2000 DRED report "Evaluation Process for the Establishment of ATV Trails on State Land" which said the fine filter criteria is "designed to be guidelines that will be followed whenever possible and included. There may be exceptions to these criteria in some cases which will be resolved on a case-by-case basis." Additionally, suggestive language proposed within the Bill was inadvertently replaced with directive language as it relates to permissive action to accomplish ATV trail creation options. All parties involved concur on the inadvertent technical mistakes, and have asked the Committee to consider re-instatement of the original intent.
3. SB 107, as originally introduced, was designed to exempt the Connecticut Lakes Headwaters Working Forest from this prohibitive criterion and assist DRED with its attempt to create a connector trail across the parcel.
4. The possibility of ATV trails on the Connecticut Lakes Headwaters Working Forest is important as it would serve as the only connector to link Pittsburg to Errol trails. In addition, if tied in with attempts to connect Pittsburg to the Beecher Fall trail system to the west and Errol to Berlin to the south it would create a managed trail system from Canada to Berlin. Construction of this trail system would establish the first connector trail in NH and provide a significant economic opportunity for the North Country.
5. The Connecticut Lakes Headwaters Working Forest is owned by The Forestland Group and the State of New Hampshire has an easement on the property which encompasses approximately 264 miles of dirt roads, managed by DRED
6. The Forestland Group is not opposed to ATV access on agreed upon existing roads but do have concerns including responsibility of the

road maintenance budget, enforcement, the definition of ATV, and protecting the major company asset which is the timber resources. They continue to work with DRED to find mutually agreeable solutions to these issues

7. The Committee met 10/4, 10/13, 10/18, 10/20, 10/25 and 10/27. All of the meeting notes are included with this final report with the exception of the 10/27 meeting in Colebrook.

## FINDINGS

1. The main objective of the study committee was to correct prohibitive language in fine filter criteria in order to allow for trails to be looked at on more of a case-by-case basis by adding flexibility. This permissive change, combined with including the original Intent Statement, will assist DRED in its review and design of ATV trails throughout the State. This change is not only intended to provide the potential guideline for additional ATV trails, but will be instrumental in helping to preserve our State parks via the ability to move ill placed older existing trails to preserve our natural resources. An example of how this Bill, if introduced, will assist in the implementation of trail management, one can look at the present trail system at Pisgah State Park, where current trails are notably close to preservation areas and current language is prohibitive to corrective action. Passage of a Bill with corrective language will allow DRED, over time, to redirect trails in Pisgah State Park, to insure both ATV access and preservation of identified areas.
2. The connection of North Country trails from Jericho State Park, to Errol over to Pittsburg along with expansion toward the Canadian ATV system has the potential for significant positive economic impacts for the North Country. Therefore, the committee felt it was both timely and important to examine possible trail options and identify impediments to see if there were legislative changes that could be made to help facilitate a trail connector in an expedited manner.

## RECOMMENDATIONS

1. The committee members feel legislation should be introduced to add flexibility to the current fine filter criteria and bring the process in line with the original intent. Specifically:
  - Change section (l) of RSA 215-A: 31, II to read, "The proposed trail does not pass through a sanitary protective area of a public well, as determined by the department of environmental services."
    - This change would bring it back to the original intent
  - Change section (m) of RSA 215-A: 31, II by adding to the end "unless approved by the department of environmental services."
  - Change sections (o) and (q) of RSA 215-A: 31, II by adding to the end of the sections, "unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts."
    - This change deals with defined setbacks and the current statute gives no flexibility to use better trails in an area.
  - Change section (x) and (y) of RSA 215-A: 31, II by adding to the end of the section, "or as specified on a site-specific basis by the fish and game department."
    - This change would also give fish and game flexibility
  - The last change would remove from RSA 215:43, VIII the wording "at, or which directly connect to, Jericho Mountain state park."
    - It broadens the language by taking out the part that limited the exempt Department of Transportation property trail crossing and connector permits to only Jericho state park and applies it generally instead.



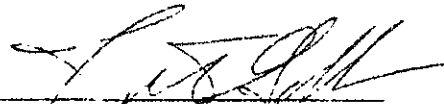
2. The committee members feel legislation should be introduced to make changes for designation of sections of DOT highway under RSA 215-A: 10 or 236:56. Specifically:
- o Make changes to RSA 215-A: 10 by adding Section III which would read: "III. Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in Coos County, by the Bureau of Trails, after consultation with the Department of Transportation and Department of Safety and public notice to each community which would be directly affected by such designation. The Bureau, or its designee, shall sign any approved sections of highway for OHRV use. (a) OHRV use shall not be permitted on any section of Interstate, Toll or divided highway. (b) The following sections of state highway shall be designated for OHRV use: Back Lake Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of Back Lake Road to Route 145. Route 145 in Pittsburg and Clarksville from the intersection of Route 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town owned section south to Charles Heath Road, Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park; the reduced speed section of Rte 3 in North Stratford village as needed to reach services."
  - o Possible changes in RSA 236:56 would read:
    - o Adding to the end of (d). "Trail connectors within Coos County shall be exempt from the provisions of RSA 215-A: 12 and RSA 215-A: 43."
    - o Adding (f), which would read, "Paved shoulders and use of rights of way. The operation of OHRVs may be allowed within the rights of way or upon the paved shoulders or portions of class I, II, III and III-a highways within Coos County, upon request of a town, city, OHRV club after consultation with the bureau of trails and with the approval of the department of transportation and department of safety."

3. The committee members feel legislation should be introduced to help expedite the process to get proposed trails approved near Lake Francis and within the Connecticut Lakes Working Forest.
4. The committee members suggest all agencies involved with trail connectors and OHRV use of paved roadway surface approval criteria (Department of Transportation, Department of Safety and Trails Bureau) formulate a consolidated trail approval policy taking into consideration existing trail approval criteria as presently outlined by the New Hampshire Trails Bureau. Such policy will provide for an expedited process by which trail approvals may be approved within 90 days of 11/1/11.

Respectfully submitted,



Senator Andy Sanborn  
CHAIR  
District 7



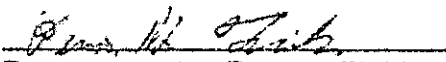
Senator John T. Gallus  
District 1



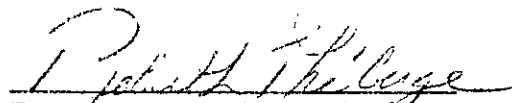
Senator James Rausch  
District 19



Representative Gene Chandler  
Carroll District 1



Representative Dennis Fields  
Belknap District 2



Representative Robert Thèberge  
Coos District 4

# Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands

SB 107, Chapter 124:1, Laws of 2011

## Meeting Report

**TO:** Members of the Committee

**FROM:** Richard Parsons  
*Legislative Aide*

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness  
of Criteria for Establishing ATV and Trail Bike Trails on State  
Lands

**MEETING DATE:** October 4, 2011

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### Members of the Committee Present:

Senator Gallus	Representative Chandler
Senator Sanborn	Representative Theberge
Senator Rausch	

### Members of the Committee Absent:

Representative Fields

### Summary of testimony received and discussion held during the meeting:

Senator Gallus opened the organizational meeting of the Committee and elected Senator Sanborn the chairman.

The Committee reviewed the duties assigned by SB 107:

- To review the effectiveness of the existing evaluation process for new ATV or trail bike trail proposals on state-owned property, known as coarse and fine filter pursuant to RSA 215-A:42 and RSA 215-A:43, and, if appropriate, make recommendations for legislation to revise the process.
- If appropriate, make recommendations for legislation to revise the process.

Senator Sanborn talked about his desire to receive input from all affected parties on how to improve the current process. Specifically, to hear from Chris Gamache of DRED on

the original intentions of the SB 107 legislation as it relates to the Connecticut Lakes Headwaters Tract.

The Committee received information from several people on background relating to the issue.

Steve Weber of New Hampshire Fish & Game talked about how the criteria was developed by the State Lands Management Team in the late 1990's due to increased demand for ATV use and the concern that some properties were acquired for whole different reason than ATV and recreational uses. Mr. Weber specifically wanted to point out that the criteria was never intended to be legislation but rather an internal document that would serve as a guideline that could give flexibility to the many unique situations that would present themselves. Further, Mr. Weber pointed out that around 2000's a push was made for legislation related to ATV use and the operational rules were made into law.

- Senator Rausch asked about specifics related to the Connecticut Lake Headwaters. Mr. Weber briefly explained that the land was primarily owned by a private company and that the state had roads and an easement on part of the land.

Dan Bennett of the NH Auto Dealers Association wanted to extend his knowledge and insight into the specifics of ATV equipment to the Committee if they needed such specifics at any time while evaluating the current criteria.

Harry Brown of the North Country ATV Coalition made a couple of suggestions to the Committee. In particular, to look at the economic impact that this project would have on the North Country especially because access through the Connecticut Headwaters property would link up ATV trails and give one the ability to go from Pittsburg to Berlin. Also, Mr. Brown suggested that it is important that DRED provide economic impact figures.

- Senator Rausch asked about the significance of this property in comparison to Jericho State Park and Mr. Brown explained that the Connecticut Headwaters property is a roadblock that cuts off pockets of trails on either side of the property.
- Further, Senator Gallus explained how the plan was to utilize all of the North Country for ATVs and Trail Bikes and references DRED's 2003 report.

Senator Sanborn requested to have copies for the Committee members of DRED's December 2003 report, "A Plan for Developing New Hampshire's Statewide Trail System for ATVs and Trail Bikes 2004-2008" for the next meeting.

Will Abbott of the Society for the Protection of NH Forests pointed out that the issue really is to try and look at RSA 215-A:43. Additionally, Mr. Abbott mentioned the traditional uses of the Connecticut Lake Headwaters land have precluded ATV use and that the recreational committee is currently looking into possibly changing that now.

Susan Arnold of the Appalachian Mountain Club and the State Park System Advisory Council pointed out that this needs to be looked at more holistically and the Committee needs to plan for the little programs.

Mark Kirouac of New Hampshire Department of Transportation let the Committee know that it was the Department's desire to not be included with other state properties that may have the criteria changed.

Bob Rowan pointed out that when the property was first acquired the prohibition of ATVs was in part because of the cost to maintain the roads. Also, Mr. Rowan suggested that the Committee try and contact Matt Sampson who is the Northeast Manager for the Timber Company that owns most of the land.

- Senator Rausch asked who maintains many of the roads and Mr. Rowan responded that DRED does and if there are major structural damage to roads there is an endowment fund that would be tapped for maintenance.

The following tasks and questions were raised for the next meeting (and tasked to the indicated individuals):

- What was the original intent of SB 107 and how is the current criteria process cumbersome? (Chris Gamache, NH DRED)
- Can DRED provide a basic overview of the possible economic impacts of opening ATV trails on the Connecticut Lakes Headwaters? (Chris Gamache, NH DRED)
- Copies for Committee members of DRED's December 2003 report, "A Plan for Developing New Hampshire's Statewide Trail System for ATVs and Trail Bikes 2004-2008". (Committee Clerk)
- Copies for the Committee members of DRED's "Public Access and Recreation & Road Management Plans – Volume 1". (Committee Clerk)
- Copies for the Committee members of the minutes from the Connecticut Lakes Headwaters Working Forest Public Outreach Session on September 17, 2011. (Committee Clerk)

**Next Meetings:** Thursday, October 13th in LOB 102  
Agenda: Review of the documents received since the last meeting.  
Presentation by Chris Gamache of DRED.

**Report Date:** Final Report – On or before November 1, 2011

# Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands

SB 107, Chapter 124:1, Laws of 2011

## Meeting Report

**TO:** Members of the Committee

**FROM:** Richard Parsons  
*Legislative Aide*

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness  
of Criteria for Establishing ATV and Trail Bike Trails on State  
Lands

**MEETING DATE:** October 13, 2011

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### Members of the Committee Present:

Senator Gallus                      Representative Chandler  
Senator Sanborn                      Representative Theberge

### Members of the Committee Absent:

Senator Rausch, Representative Fields

### Summary of testimony received and discussion held during the meeting:

Senator Sanborn opened the meeting and called on Chris Gamache of DRED.

Chris Gamache addressed the purpose of SB 107 and how it can be solved. He gave background on RSA 215-A:42,43 including the following:

- It was put into law with the idea that it would be tested for flaws.
  - Bear Brook State Park was the test site.
- The legislation that passed was missing a key point about the intent in the fine filter section from the June 21<sup>st</sup>, 2000 report "Evaluation Process for the Establishment of ATV Trails on State Land" (See committee file for handout)
  - Specifically, on Page 5 about Fine Filter Criteria, "Intent: The following 'fine filter criteria' are designed to be guidelines that will be followed whenever possible. There may be exceptions to these criteria in some cases which will be resolved on a case-by-case basis."

- This language did not end up being consistent with statute which did not have case-by-case language.

Mr. Gamache proposed changes to the legislation addressing the fine filter criteria to bring it back to the original intent. (See committee file for handout related to changes)

- Section (l) of RSA 215-A: 31, II proposed change would be, "The proposed trail does not pass through a sanitary protective area of a public well, as determined by the department of environmental services."
  - This change would bring it back to the original intent
- Section (o) and (q) proposed change would add to the end of the section, "unless there is an existing soil condition or surface roadway that can be used to reduce adverse environmental impacts."
  - This change deals with defined setbacks and the current statute gives no flexibility to use better trails in an area.
- Section (x) and (y) proposed changes would add to the end of the section, "or as specified on a site-specific basis by the fish and game department."
  - This change would also give fish and game flexibility.
- The last change would remove from RSA 215:43, VIII the wording "at, or which directly connect to, Jericho Mountain state park."
  - It broadens the language by taking out the part that limited the exempt Department of Transportation property trail crossing and connector permits to only Jericho and apply it generally instead.
  - It is too restrictive and was never intended to be so as the criteria was meant for large areas.
  - Also, there is no established process at DOT for these permits and crossing is needed everywhere.

Rep. Chandler said there needs to be some sort of distance limit if this was to include traversing sides of roads to connect trails. Chris Gamache said DRED would support that.

Sen. Sanborn asked about the 330 or 600 foot boundaries determined around streams? Gamache explained that it was negotiated down to those numbers. For wildlife, the ratios all distance all depends on the levels of protection for the animals (i.e. more protection for Eagles).

Rep. Chandler asked what the distance was from sanitary well. Gamache informed him it was either 300 or 400 feet.

Rep. Theberge pointed out that vernal pools should have flexibility and Mr. Gamache completely agreed.

Rep. Chandler brought up concerns about the maintenance plan, in particular, who pays for repairs when the departments don't agree on the necessity or amount of repairs. Mr. Gamache stated that often if an area is designated for ATV use it will have ATV funds available to it and that there will be times when the departments don't agree but both have standards that are set up in place to help with any issues. If DOT fixes something they have to pay for it and those repairs are generally on the shoulders off roads.



Chris Gamache talked about how the evaluation process in the packet talks about the need for flexibility which will help give the department more time to plan and build which always means less money will be spent with the proper planning and building techniques being utilized.

Senator Sanborn asked if DRED pays for the trail crossing repairs that are needed along DOT roads and Mr. Gamache answered that there is no requirement but several years ago DRED did do repair on some in the North Country but that is not typical.

Chris Gamache pointed to a page in the packet from the June 2011 "Management Plan for Pisgah State Park" which talked about the high environmental resources that have matured in the portion of the park where the ATV trails are located and how there should be an effort made to move the trails to the eastern portion. Unfortunately, unless more flexibility is given it cannot be done.

Rep. Chandler asked how many miles of trails are currently in Jericho state park and what is planned? Mr. Gamache stated that there are 80 miles and 140 are planned. Currently it connects to Success, Plum Creek, Bayroot and the plan is to connect to Errol soon. Hopefully it will eventually connect to Pittsburg and Colebrook. It will most likely take all 10 years to connect them all.

Mr. Gamache addressed the Connecticut Lakes Headwaters and how NH has a 146,000 acre easement on the land and Fish and Game also has about 25,000 acres under their control. The land is owned by Forestland group and NH owns the gravel roads. The original recreation plan called for status quo with no use of ATV or horses. In the second recreational plan, in 2007, they said that they would not designate use but if local clubs came in with proposals to link the headwaters to other trails, and those proposals got DRED's approval, they would consider them. Local clubs have come up with a proposal and can be seen on the map included in the handouts. The proposal would link Pittsburg to Errol and maybe Beecher Falls. The update on the proposal will be given to the citizens on October 29<sup>th</sup> and one of the things that needs to be worked through for the proposal to work is the criteria. DRED Trails Bureau are already on those roads maintaining them. DRED, Fish and Game and the Citizens Council do not need legislative help to get trails but rather to fix the criteria.

Sen. Sanborn mentioned that there is concern that access may have negative environmental impacts, but in a controlled environment there is some level of support and if there were multiple routes options they could change yearly to accommodate the owners of the land and other concerns. Mr. Gamache agreed that the agency does not support full unfettered access. Mr. Gamache then showed the committee the map of proposal in the handout and explained in detail where the trail would go and connect.

Rep. Chandler asked if for next time the committee could get a look at what it would take to facilitate a shorter route in the CT Headwaters and what would the proposal look like.

Rep. Theberge asked that if it was possible to give legislative approval to use a shorter route than the longer route shown on the map. Mr. Gamache answered that the flexibility would help on shorter route but right now they are limited to the longer route. It would make the shorter route easier to achieve.

Steve Weber from NH Fish and Game expressed that although the commission has not said anything about the piece of legislation that Fish and Game will likely support all the proposed changes except that last one which the commission would not take a position on since it would not affect F&G.

Caleb Dobbins from the Department of Transportation understands the economic benefits but the department has several concerns. The proposal would treat DOT land different than other state owned land. Also, in some places hardened roads would need to be built for ATVs next to existing roads which would be affected much more by ATV use than by snowmobile use. Additionally, DOT has the most abutters in the state and if an owner has a reason to not let you through their backyard it doesn't make sense that they would like you coming through the fronts of their property either. Also, if a violation occurs on DOT property the department is the sole department liable. The DOT process has not been finished because a completed application with all the criteria has not been finished. DOT does not get any funding for ATVs yet does a lot of the leg work. Also, if this applies generally than someone in a much more populated community could request to do this and would not seem appropriate outside the North Country.

Senator Gallus pointed out that this wouldn't be for just any town in the state to do but rather mostly benefit the growing North Country business.

Harry Brown pointed out that the legislation is about changing the criteria for the filters and the Connecticut Headwaters is really separate of the legislation.

Senator Sanborn requested that the Department of Safety and Department of Environmental Services have representatives for the next meeting. Senator Sanborn also set meeting dates for the next several weeks and discussed setting up a meeting on October 27<sup>th</sup> at 2:00 pm in the North Country to get public input up there.

**Next Meetings:**           Tuesday, October 18<sup>th</sup> in LOB 201  
                                  Thursday, October 20<sup>th</sup> in LOB 102  
                                  Tuesday, October 25<sup>th</sup> in LOB 102  
**Agenda:** Continue hearing from Departments and the public.

**Report Date:**           Final Report – On or before November 1, 2011

# Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands

SB 107, Chapter 124:1, Laws of 2011

## Meeting Report

**TO:** Members of the Committee

**FROM:** Richard Parsons  
*Legislative Aide*

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trails on State Lands

**MEETING DATE:** October 18, 2011

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### **Members of the Committee Present:**

Senator Rausch                      Representative Chandler  
Senator Sanborn                      Representative Theberge  
Representative Fields

### **Members of the Committee Absent:**

Senator Gallus

### **Summary of testimony received and discussion held during the meeting:**

Senator Sanborn opened the meeting and called on Rene Pelletier of DES.

Chris Gamache of DRED handed out a detailed map (available in committee file) for possible trail connector proposals of land from Pittsburg to Errol. Specifically, most of the trail would be along a trail or road owned by DES.

Rene Pelletier began by saying it was prudent to look at trail options as they relate to DES and he referenced the Lake Francis DES Management Plan. The lands around Lake Francis are in zones and certain zones have different accepted uses (DES will provide copies of the Lake Francis Plan for the next meeting). Based on the red line on the map of a propose trail on Cedar Stream Road, the management plan has that area as a level 3 which prohibits off road vehicle use except on designated roads which Cedar Stream Road would be considered. DES doesn't see an issue with the lower route around Lake Francis but the route along the right side brings some concerns. In that area there are

wetlands and a lot of other obstacles that not only would concern DES but would be costly to DRED to construct an ATV route on those trails which are currently snowmobile trails.

Rep. Chandler asked that if the objective is to provide a connector what else are our choices or would be needed to reach the goal? Chris Gamache of DRED answered that the red line that comes to the right of the pink line would go to the base of the dam and that is an option because there are obstacles to getting the pink line including getting DOT authority to travel about a ½ mile. Additionally, there is also the dump road that would need DOT and DOS authority as well.

Rep. Fields asked about the work that would be done for trails by the dam. Chris Gamache answered that there would need to be additional measures like fencing and also more gravel on the existing roads. The most prudent approach would be to go down black line through pink line, which is owned by the town, as opposed to by the dam.

Sen. Sanborn asked if there is an alternative to the proposed trail to the right of Lake Francis. Chris Gamache said that the only real other alternative was the one indicated on the map that was given to the committee members last week which would be a longer route.

Rep. Chandler asked to get clarification as to the priorities for connections. Chris Gamache stated that the 1<sup>st</sup> priority is to get the Pittsburg trails to Errol than the 2<sup>nd</sup> priority would be to get Pittsburg to Beecher Falls. There are verbal agreements for much of the Beecher Falls trail and the last ½ mile goes through Vermont before reaching Canada, but Vermont seems to be in favor of the ATV use.

Rep. Chandler asked what is needed by from the legislature to reach goal no. 1. Chris Gamache explained that the proposed changes to the criteria given last week and would possibly need to add a line about dams to allow trails with DES approval. DRED could probably sit down with DRED over the next week and see if that is a realistic approach. Senator Sanborn acknowledge that that would be very helpful and the committee would look forward to hearing back.

Chris Gamache pointed out that there would still need to be further discussions with DOT and Safety about Rt. 145 and Rt. 3 as well as the dump road in regards to designating on pavement use.

Senator Sanborn asked if DOT would be inclined to be accept a possible proposal to which Caleb Dobbins from DOT responded that the department would want to see DOS's concerns before deciding either way.

Chris Gamache continued that legislation would need to be passed to let DOT give permission for use of the dump road.

Sen. Sanborn stated that if the committee can get support from the departments the committee would like to get this solidified in legislation and done by the spring so the process of getting this done can begin right away.

Rep. Theberge asked what the estimated costs would be and Chris Gamache answered that for the dump road through Cedar Stream Road the costs would be less than \$10,000 and for the proposal up the left side of Lake Francis it would be substantially higher in the range of \$70,000-\$80,000. Sen. Sanborn pointed out that the other route through Coon Brook would not need new roads or affect wetlands.

John Steward from Landvest, Inc and the Land Manager of the Connecticut Lakes Headwaters came up to take questions from the committee members. He pointed out that from his perspective the primary concerns were safety and controlling issues with keeping ATVs were they are supposed to be. The area already has had problems in the past with both cars and snowmobiles.

Rep. Theberge spoke about how the ATV clubs have done a better job in recent years of policing themselves. Mr. Steward replied that 99.9% of the public plays by the rules but it is the .01% that we are worried about.

Sen. Sanborn asked if multiple routes would be good in order to give flexibility for whatever roads the landowners need. Mr. Steward replied that in the winter it is much easier to manage snowmobile trails because the loggers tend to stay to efficient road systems to help reduce cost for plowing. The summer is tough because Mother Nature often dictates where we go and it is more of a shotgun start to get things done. The landowner can have a lot more to lose than to gain allowing ATV use.

Tom Levesque with the Merrimack Valley, Seacoast and New England Trail Riders spoke about the concerns he had with the criteria and how it was drafted into law differently than it was originally supposed to be drafted with certain details being changed. He acknowledges that he had spoken with Chris Gamache and was assured that the committee had been made aware of those concerns. Further, he believes the Trails Bureau understands the Trail Riders concerns and fully supports the Bureau going forward.

Sen. Rausch asked what the clubs do to police members to make sure they are following the rules. Mr. Levesque said that the clubs have certain members that are assigned to certain areas and when they see someone doing something wrong they make sure to point out the problem to the individual.

Rep. Theberge asked if the committee could get written letters of support from the associations.

Caleb Dobbins of DOT pointed out that in relation to DOT the committee is looking at two things. 1) Looking at existing roads and 2) the proposed exemptions of DOT roads which DOT does not agree with necessarily because there are environmental concerns

like wells and wetlands on their lands as well and believes the committee should look at that as it relates to RSA 215-A.

**Next Meetings:** Thursday, October 20th in LOB 102  
Tuesday, October 25<sup>th</sup> in LOB 102  
Agenda: Continue hearing from Departments and the public.

**Report Date:** Final Report – On or before November 1, 2011

# Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands

**SB 107, Chapter 124:1, Laws of 2011**

## Meeting Report

**TO:** Members of the Committee

**FROM:** Richard Parsons  
*Legislative Aide*

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness  
of Criteria for Establishing ATV and Trail Bike Trails on State  
Lands

**MEETING DATE:** October 20, 2011

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**Members of the Committee Present:**

Senator Rausch                      Representative Chandler  
Senator Sanborn                    Representative Theberge  
Representative Fields

**Members of the Committee Absent:**

Senator Gallus

**Summary of testimony received and discussion held during the meeting:**

Senator Sanborn opened the meeting and called on Captain John Wimsatt of Fish and Game. Captain Wimsatt wanted to share with the committee that the Fish and Game Commission had met and accepted the proposed changes as they were drafted by Chris Gamache of DRED. Further, the Commission took no position on the final proposed change as it does not affect the department.

Matt Sampson, the Northeast Regional Manager of The Forestland Group, the timber finance company that owns the Connecticut Lakes Headwaters gave background on the company's relationship with ATVs which included many properties where ATV use is allowed in other states. The Forestland Group also recently began allowing ATV trails in their Success, NH property.

Mr. Sampson stated that the company greatly respects the easement but that from the company's perspective, even if ATV use was permitted, the company's only resource that

they will manage is the timber resource and ATV use brings no economic value to the company. That being said, the company is not fundamentally opposed to ATV use on any property including the CT Headwaters.

As a company, there are a number of concerns with ATV use but a willingness to make this work. One concern deals with fatalities and serious accidents. Insurance carriers ask about recreational uses and although the state deals with accidents, the company still has to contact the insurance company and there are expenses involved including going to court. On The Forestland Group properties there have been 2 fatalities (1 snowmobiling and 1 ATV), and 6 serious life threatening accidents. Those are only the reported accidents. All of the accidents happened when either snowmobiles or ATVs were off marked trails.

Another concern involves putting the local economy up against the company's economy. The company understands that ATVs in the North Country could have a big economic impact, but throughout the years dealing with ATV use and local towns eventually the ATV economic implications begins to take precedence over the company's. This is a very real situation to the company and has happened.

Also, road maintenance budgets on primary roads which are owned by the state is an area of concern for the company. In full disclosure, the company's working relationship with the State of New Hampshire has been on of the best the company has seen in any state. Every year, the state and the company sit down to talk about where the company plans to harvest and pay road tolls. The only concern is whether this relationship would erode if ATVs begin to take precedent over the company and the relationship with the state. It has the potential to create a question of limited resources. However, the company is confident this can be made to work.

One thing that will need to happen is enforcement. A possible suggestion for a penalty would be immediate impoundment of an ATV. The current penalties that often are handed out are \$50-\$100 fines and many people just see that as a user fee. Moreover, there have been about 5 cases where the penalized person has fought the ticket in court and 4 out of 5 times they got away without paying a fine.

One interesting example from Maine happened a few years ago when The Forestland Group bought land that had existing ATV trails from the State of Maine. Maine asked to keep the trails open but we said no because we wanted at least a year to settle into the property. The ATV clubs did an amazing job of keeping people off the property and the company therefore welcomed the ATV community back the next year with open arms. Afterward, there was an accident about 4 miles off the ATV trails with one of our service trucks and the conservation officer didn't know whether or not to give the man a ticket because he was an older gentleman and felt bad. However, the ATV community demanded he get a ticket and ATV communities do a fantastic job of policing themselves.



Another concern is that ATVs have evolved greatly just in the past 20 years alone and it would be a good thing to define what kind of ATVs would be on the property and proper speeds. Also, ATVs can literally go wherever they want because they don't need packed roads and that is just something that needs to be recognized. Also, what does this become in the future as many members of the public are not properly educated on what their rights? It will be important to clarify what rights and privileges any user group would have on the property.

Senator Sanborn asked if Mr. Sampson was comfortable with the rules set out in the 5-year recreational plan and other documents. Mr. Sampson said that these are all great but not everyone reads these documents and they need to be strictly enforced. Practically speaking, it becomes a much different situation than what is written.

Senator Gallus asked about what the original investments were on the purchase. the estimate was \$44 million from a timber company and private donors, \$12 million from the state and Senator Gregg may have gotten \$10 million from the federal government for the purchase.

Senator Gallus wanted to state that he was pleased to learn that the private-public relationship has been successful and that he strongly agrees that people abusing their rights should be strongly punished. Also, Senator Gallus pointed out the importance of the timber companies to the economy of the North Country and assured Mr. Sampson that they are an integral part to the economy. Mr. Sampson replied that the fact that New Hampshire is having these meetings is outstanding and reassuring. Furthermore, in regards to strict punishment, Mr. Sampson pointed out a correlation to the increase in marijuana being grown on properties throughout the country after ATV use was permitted because it became much easier to bring the necessary materials into the woods. That is being pointed out as an effect to allowing ATVS and that these people would also have to be strictly punished.

Senator Rausch was also very pleased to hear about the good relationship the company has with the state and wondered. if there was a mechanism to get an enforcement clause put in, what would be Mr. Sampson's recommendations for stronger enforcement. Mr. Sampson pointed out that one problem is it is often difficult to determine who issues tickets and often clubs are limited in their enforcement abilities. But, overall it would be a subject that would have to be looked into more. Senator Sanborn hoped the timber company would find that those involved recognize the importance of providing an access route and this would not be a playground.

Representative Theberge asked about whether in the process of getting an ATV what rights are provided to inform the user. Captain Wimsatt answered that there is an OHRV laws digest and the guidelines are very specific. Also, that in New Hampshire it is very clear that there is no off-roading allowed at all.

Bill Haynes, Commander of Troop G, with the Department of Safety spoke to the committee about the ability of any law enforcement officer to enforce OHRV laws.

However, he mentioned how not all are comfortable with the laws and therefore giving out tickets. He also wanted to point out that the North Country courts tend to be stricter about OHRV violations. Additionally, he mentioned that the North Country often has limited resources and manpower as to their ability to monitor and enforce OHRV violations.

Senator Rausch asked about an objective being to get connectors and the only way to do that would be on state highways. Senator Rausch stressed the importance of needing to find out the departments position about putting ATVs on the road. Commander Haynes main concern was that it would conflict with statute and that low speed utility vehicles are limited and this may lead to having other user groups from other parts of the state coming later to get the same rights outside the North Country.

Senator Rausch pointed out that the state already has so many different types of vehicles with low pressure tires and there are people that have problems staying at low speeds on an open stretch of paved road. Senator Sanborn pointed out that trying to find that balance will be the challenge.

Senator Rausch asked the Department of Safety if they wouldn't be completely opposed to the idea if they fine tuned the connectors to specific roads. Commander Haynes stated that he would have to speak with the Director before giving an opinion.

Senator Rausch asked if point (m) in RSA 215-A, 43 would need to be changed if a trail near the dam ended up being the route to go around Lake Francis. Rene Pelletier and Chris Gamache acknowledge that they would be having talks before the next meeting about that very subject. Additionally, they pointed out that discussion will take place with the Department of Transportation about roads before the next meeting.

Harry Brown of the North Country OHRV Coalition would like to see Diamond Pond Road along the backside of Little Diamond to the town line to the access on the Wagner Trail be considered for a connector. Chris Gamache of DRED pointed out that that road has the same issue with it being a DOT road as the dump road.

Further, Mr. Brown pointed out that clubs throughout the North Country would support significant enforcement. Also, Mr. Brown pointed out that the towns greatly appreciated the road tolls and timber taxes that the timber companies pay and therefore understand their importance to the North Country.

Captain Wimsatt of Fish and Game also wanted to point out to the committee in relation to fines that the uniform fine for OHRV violations is \$200-\$500 and the department has the ability to fine up to \$1,000 if they enforce more strictly. The department would be supportive of any enhancements.

**Next Meetings:** Tuesday, October 25<sup>th</sup> at 10:00 am in LOB 102

Thursday, October 27<sup>th</sup> at 10:00 am Colebrook Country Club  
Agenda: Review final report draft.

**Report Date:**

Final Report – On or before November 1, 2011

# Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands

SB 107, Chapter 124:1, Laws of 2011

## Meeting Report

**TO:** Members of the Committee

**FROM:** Richard Parsons  
*Legislative Aide*

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness  
of Criteria for Establishing ATV and Trail Bike Trails on State  
Lands

**MEETING DATE:** October 25, 2011

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### **Members of the Committee Present:**

Senator Rausch                      Senator Gallus  
Senator Sanborn                      Representative Theberge

### **Members of the Committee Absent:**

Representative Fields              Representative Chandler

### **Summary of testimony received and discussion held during the meeting:**

Senator Sanborn opened the meeting and distributed the final report draft to the committee members and the public. Senator Sanborn then called on Mark Kirouac from the Department of Transportation to speak. Mr. Kirouac pointed out that since DOT had just received the new proposed changes this morning that they did not have the time to vet them through the commissioner. However, on pg. 4 of the proposed final report DOT still had concerns over removing the department from the evaluation process. Secondly, DOT still would like to hear from DOS regarding connectors. Also, Mr. Kirouac referenced a discussion about signage on town roads, that took place at the last meeting, and DOT got the impression that the towns are coming up with the signage and that is not necessarily true in all cases. Mr. Kirouac stated that there needs to be consistency in signage. Senator Sanborn let Mr. Kirouac know that if the department would like something put into legislation to clear that up to let the committee members know.

Senator Sanborn asked Chris Gamache if he would give some information as to how many people are doing the same job in regards to signage, the signage requirements near

hiking trails and who is responsible for the signage. Mr. Gamache stated that the Trails Bureau has existing guidelines that are available for both OHRV and snowmobiles online that outlines the bureaus responsibilities based on international standards. For example, signage on town roads has to be posted with the speed. Also, longer sections often have to have more signs up. If the signs need to meet DOT standards they often have to have more reflection and be much larger. Senator Sanborn asked about the communication process if the public believes that more signs are necessary and Mr. Gamache responded that the public often communicates to the Trails Bureau the need for more signage through email or phone calls and the Trails Bureau often pushes a lot of those requests onto the local clubs.

Chris Gamache also spoke about discussion with DOT. In those discussions, the thought was to limit the trail connectors to Grafton and Coos County so that it can be tested before a statewide process would go in place. DOT would tell Trails Bureau what the process should be and they would still have the ability to set the process. The problem with not having DOT exempt from the criteria is that there are other areas of the criteria that do not apply to DOT highways, i.e.. they don't have a land management plan.

Rep. Theberge pointed out that the signage from Pittsburg still differs from the signage in Berlin. He asked Mr. Gamache is that could be standardized. Mr. Gamache stated that it could be standardized but that both towns assed supplemental signage and there is nothing prohibiting that kind of augmented signage.

Chris Gamache commented in relation to hiking trail crossing with ATV trail signage that the private land owners often tell the bureau where we can go and we give ample signage to let them know what trail they should be on. Unfortunately, nothing that can be done would bring about 100% compliance.

Rep. Theberge asked about the plan for trails in Randolph and Gorham as well as if they could narrow hiking trails or put boulders in to block ATV riders. Mr. Gamache stated that the trails have to be wider to comply with new guidelines that mandate they be wider so they can be wheelchair accessible. Also, there is no plans to have ATV use in Randolph.

In regards to some of the new changes that are being proposed for possible legislation, Mr. Gamache proposed the following changes:

- In RSA 215-A: 43, II, (m) add to the end, "unless approved by the department of environmental services."
- In RSA 215-A: 10, add section III which would read, "Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in Coos or Grafton County, by the Bureau of Trails, after consultation with the Department of Transportation and Department of Safety and public notice to each community which would be directly affected by such designation. The Bureau, or its designee, shall sign any approved sections of highway for OHRV use. (a) OHRV use shall not be permitted on any section of Interstate, Toll or divided

highway.(b) The following sections of state highway shall be designated for OHRV use: Back Lake Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of Back Lake Road to Route 145; Route 145 in Pittsburg and Clarksville from the intersection of Route 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town owned section south to Charles Heath Road; Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park; the reduced speed section of Rte 3 in North Stratford village as needed to reach services.”

- In RSA 236:56 II, adding to the end of (d), “Trail Connectors within Coos and Grafton Counties shall be exempt from the provision of RSA 215:42 and RSA 215:43.”
- In RSA 236:56 II, adding (f), “Paved Shoulders and use of rights of way. The operation of OHRVs may be allowed within the rights of way or upon the paved shoulders or portions of class I, II, III and III-a highways within Grafton and Coos County, upon the request of a town, city, OHRV club after consultation with the bureau of trails and with the approval of the department of transportation and department of safety.”

The changes deal with DOT connectors and use of state highways by OHRVs. Further, it shows exactly where the changes would be allowed to take place. The Trails Bureau also recognizes that there are concerns regarding expanding this to Grafton County and the bureau would be supportive of taking that out. Additionally, it could be helpful to give an approval process by DOT and DOS and have the process come with testing. The committee could give a deadline to get them to test it out in the certain areas.

Tom Levesque let the committee know that the NH OHRV Board met this past week and supports the effort of the committee. The board also feels that it may be good to have the North Country trails open to two-wheeled vehicles as it could bring more economic benefits to the North Country economy. Also, the board felt that the southern tier of the state would not feel excluded if the North Country was allowed to use class III roads as the board understands the vast differences between the areas. Further, the board would fully support stricter punishments.

Will Abbott of the Forest Society requested that the committee remove Grafton County from any possible legislative proposal as those ramifications have not fully been observed by the committee yet as this committee mostly focused on the North Country.

Senator Sanborn asked Mr. Gamache what ramifications removing Grafton County would have and Mr. Gamache stated that there are connectors needed today in Grafton County.

Rep. Jack Flanagan, Hillsborough 5, let the committee know that these are public lands and the people should have the right to use the land. Also, that there is always going to be that bad 1 percent.

Lt. Bill Haynes, Department of Safety, would like DOT, DOS and the Trails Bureau to have a standard to approve each particular section of roadway. There are many variables that go into each section. For example, visibility, corners, shoulder consistency, height of the shoulder are all factors.

The committee felt that would give the 3 departments enough time to come back with what the process would be for each connector. The committee would also be open to different ways to ensure that the departments make this work in the time allotted to them.

Harry Brown of the North Country OHRV Coalition pointed out that motorcycles are not allowed on the Connecticut Lakes Working Forest at all and the groups in the coalition are opposed to motorcycles as was suggested by the NH OHRV Association.

Senator Rausch pointed out that in another committee about classifications of vehicles there were concerns about ATVS on roads and that they be limited to only connectors. Senator Sanborn stated that the intent of this was to only allow them on connectors and if they were to go on paved roads it would be in short duration, low speed areas but preferably off-road.

Senator Gallus moved to pass the final report with the removal of Grafton County and an additional provision to bring DOT, DOS and the Trails Bureau together for an approval process for each connector within the next 90 days. The motion was seconded by Representative Theberge and the vote was 4-0.

**Next Meetings:** Thursday, October 27<sup>th</sup> at 10:00 am Colebrook Country Club  
Agenda: Hearing comments from the public

**Report Date:** Final Report - On or before November 1, 2011

# **Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trail on State Lands**

**SB 107, Chapter 124:1, Laws of 2011**

## **Meeting Report**

**TO:** Committee Members

**FROM:** Rep. Robert L. Théberge

**RE:** Meeting report on SB 107 – Committee to Study the Effectiveness of Criteria for Establishing ATV and Trail Bike Trails on State Lands

**MEETING DATE:** October 27, 2011

**VENUE:** Colebrook Country Club, Colebrook, NH

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### **Members of the Committee Present:**

Senator Sanborn (Chair)      Senator Gallus      Representative Théberge

### **Members of the Committee Absent:**

Senator Rausch      Representative Chandler      Representative Fields

### **Summary of testimony received and discussion held during the meeting:**

Senator Sanborn welcomed all members of the public in attendance and briefed everyone on the history and process for SB 107. Mentioned was made as to which state agencies testified as well as other interest groups. Proposed legislation will focus on flexibility balancing environmental issues with economic concerns. This is a statewide issue where all agencies will come together to make a process addressing trails, pavement, wetlands, crossing and connectors. The hope is to connect trails from Beacher Falls, to Pittsburg; Swift Diamond Pond; Lake Francis and onto Errol. Thereby, connecting trails all the way to Berlin. Both Senator Gallus and Representative Théberge addressed the public and added their respective views on the process and proposed legislation.

Mr. Harry Brown, who asked to address the committee as follows:

Mr. Chairman. My name is Harry Brown, a resident of Stewartstown, and I am the spokesperson for the North Country OHRV Coalition. Thank you for making the effort and taking the time to come to the North Country for your final hearing on SB 107. The



Coalition wants to thank Senator Gallus for introducing this bill and Senator Sanborn for chairing the committee and guiding it through the process of the last months' worth of hearings in Concord. As you are aware, this committee studied what it would take to allow ATV usage on existing roads within land managed by the state.

Our particular interest is to allow a corridor for ATVs to pass through the Connecticut Lakes Headwaters Working Forest whose roads are managed by the state. This would allow ATV systems in Berlin, Success, and Errol. Millsfield and Dixville will also be connected with the present system in Pittsburg. It would also connect Pittsburg with Stratford. As most are aware, this is a two prong approach as two things are needed to occur – 1<sup>st</sup>, the RSA relative to ATV and Trail Bike Operation on State lands needs to be amended along with other minor corrections of other RSAs and 2<sup>nd</sup>, the Connecticut lakes Headwaters Citizens Committee has to recommend to Commissioner Ball, and he has to sign off, that allowing access through the property on designated roads be a part of the Connecticut Lakes Headwaters Working Forest reception Plan.

During the past month, this committee has listened to all sides, from multiple state agencies, such as Fish & Game, DoT, DES, DoS, DRED and specific groups, such as the AMC, Society for the Protection of Forest Lands, Automobile Dealers Association the Forest Society, Sierra Club, etc. All entities have a genuine interest in the future of the forest lands while meeting both the environmental need and the public's needs, and have agreement and unanimity that this committee final report accomplishes objective number one in all phases of the plan and we support it 100%

Thank you very much and we look forward to starting the actual legislative process in January.

Mr. Thomas Johnson, representing the New Hampshire OHV Association, was asked to speak and thanked the committee for its hard work. He viewed the Coös Project as a pilot program and sincerely hoped that Grafton County would soon follow.

Mr. Gary J. Myrdek, an avid trail bike enthusiast questions as to why the four northern ATV clubs do not allow trail bikes. He noted that the entire trails concept was started years ago by bikers and that now they are not allowed on the trails. He further stated that this is a definite loss of revenues to the State. Committee members responded that the trails are maintained by the respective clubs and an open and frank discussion needs to be pursued with the clubs.

Numerous questions and comments were acknowledged. An open and frank discussion revolved around the question of enforcement. Who is responsible? The committee informed the public that all parties involved are responsible for enforcement thus ensuring that the rights and privileges of other users are not violated. It was stated that all concerns need to work on signage, education in order to help the State keep all trails open.

Senator Sanborn asked for a show of hands as to how many present would be in favor of having a connector with Canada. A unanimous showing of hands ensued.

Edith Tucker from The Democrat asked about the time frame. If everything were to fall in place as expected, Sen. Sanborn noted that by next summer all trails would be open.

Mr. Harry Brown reminded the members that the meeting of the Citizens Task Force to discuss the Five Year Plan for the Connecticut Lakes Headwaters Forest Plan will take place at the Pittsburg Fire Station, Saturday, October 29<sup>th</sup> at 10:00am. Further discussions continued on Law Enforcement issues and concerns of the various ATV club members present.

**Next Meetings:**       None.

**Report Date:**        Final Report – On or before November 1, 2011

# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Date: March 17, 2011

THE COMMITTEE ON Energy and Natural Resources

to which was referred Senate Bill 107

AN ACT                   relative to use of designated roads in the Connecticut  
Lakes Headwaters Working Forest for all terrain vehicles.

Having considered the same, the committee recommends that the Bill:

**OUGHT TO PASS WITH AMENDMENT**

BY A VOTE OF:   5-0

AMENDMENT # 0994s

Senator Amanda Merrill  
For the Committee

Richard Parsons 271-3076

## New Hampshire General Court - Bill Status System

**Docket of SB107**

Docket Abbreviations

**Bill Title:** (New Title) establishing a committee to study the effectiveness of criteria for establishing ATV and trail bike trails on state lands.

*Official Docket of SB107:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/19/2011	S	Introduced and Referred to Energy and Natural Resources, <b>SJ 3</b> , Pg.36
1/27/2011	S	Hearing: 2/10/2011, Room 102, LOB, 10:45 a.m.; <b>SC9</b>
3/17/2011	S	Committee Report: Ought to Pass with Amendment # <b>2011-0994s</b> , NT, 3/23/11; <b>SC16</b>
3/23/2011	S	Committee Amendment 0994s, NT, AA, VV; <b>SJ 10</b> , Pg.173
3/23/2011	S	Ought to Pass with Amendment 0994s, NT, MA, VV; OT3rdg; <b>SJ 10</b> , Pg.173
3/23/2011	S	Passed by Third Reading Resolution; <b>SJ 10</b> , Pg.187
3/28/2011	H	Introduced and Referred to Resources, Recreation and Development [3/17/2011]; <b>HJ 30</b> , PG.1037
3/29/2011	H	Public Hearing: 4/6/2011 11:30 AM LOB 305
4/26/2011	H	Executive Session: 5/3/2011 1:00 PM LOB 305
5/4/2011	H	Committee Report: Ought to Pass for May 18 (Vote 15-0; CC); <b>HC 39</b> , PG.1322
5/18/2011	H	Ought to Pass: MA VV; <b>HJ 44</b> , PG.1537
5/25/2011	H	Enrolled; <b>HJ 46</b> , PG.1609
5/25/2011	S	Enrolled; <b>SJ 19</b> , Pg.396
6/2/2011	S	Signed by the Governor on 06/02/2011; Effective 06/02/2011; Chapter 0124

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

SB0107 ORIGINAL REFERRAL \_\_\_\_\_ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 06265       - AMENDMENT # 09765  
 - AMENDMENT # 08695       - AMENDMENT # 09945

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED      \_\_\_\_\_ AS AMENDED BY THE HOUSE  
 FINAL VERSION       AS AMENDED BY THE SENATE

\_\_\_\_\_ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): \_\_\_\_\_

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7/22/11

  
BY COMMITTEE AIDE