



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of PARKS and RECREATION
BUREAU OF TRAILS

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Dear OHRV Club Organizer:

Thank you for your interest in organizing an Off Highway Recreational Vehicle (OHRV) Club. Organized Clubs are the way for OHRV enthusiasts to obtain and maintain trails for legal riding opportunities, gain increased respect from communities and other trail groups, and provide a better, safer, and more responsible experience for other OHRV users.

Currently there are 23 OHRV Clubs statewide that are recognized by the New Hampshire Secretary of State (SOS) and the New Hampshire Bureau of Trails (BOT). Many of these Clubs have been very successful in their goals. By developing relationships with landowners, most of these Clubs have created and maintain individual trail systems that range between 5 and 100 miles each.

To get a Club started, these basics are needed:

- 1) A few people who are willing to volunteer their time to serve as officers;
- 2) a document such as a charter, [by-laws](#), constitution that describes how the Club is organized and will be operated; and
- 3) a regular time and place for meetings.

The Club's documentation needs to define how many and what officer positions there will be, what their responsibilities will be, and if they are elected or appointed positions. Generally officers include (but are not limited to) a President, Vice President, Secretary, Treasurer, Trail Administrator, and Trail Master.

The Club's documentation should also state what their mission will be. Part of the mission may be to create and manage recreational opportunities for OHRV enthusiasts by obtaining permission for construction and/or maintenance of trails on private, municipal, state, or federal property.

The Club may choose to be active within the local community by organizing or cooperating in fundraisers, local youth programs, food drives, or other community service projects. They may also want to organize recreational events such as poker runs, seasonal rallies, charitable ride-ins, family days, etc., and advocate for and promote safe and responsible riding to enhance the overall image of recreational OHRV use.

The Club will also need to decide if they will join the [New Hampshire Off Highway Vehicle Association \(NHOHVA\)](#) and should consider including this information in their documentation. NHOHVA is a statewide organization that advocates for the rights, safety, responsibility, and education of OHRV users.

To incorporate or not to incorporate? This is a very important decision that the Club will need to make. The Club should consider the following information carefully.

An unincorporated Club

- is a voluntary association that, in the eyes of the law, is not an entity or a person;
- has no legal standing as an organization;
- cannot own, convey, or mortgage property;
- is likely unable to borrow money or enter into any contract;
- means that every member of the Club may be personally liable for any act committed in the name of the Club, even those who personally had nothing to do with the act or deed which gave rise to the debt or damage; and
- is NOT eligible for state or federal financial assistance grants.

If your Club is to be unincorporated, it is highly recommended that you consult a competent insurance agent who may be able to provide a plan to reduce the liability of individual members.

An incorporated Club

- can exercise most powers that are available to individual persons;
- has a separate legal existence;
- can own property, contract mortgages, and sue in the courts;
- has limited liability which protects its members from being personally responsible for the debts or deeds of the Club;
- can be sued as an entity, but only to the extent of its limited liability;
- can have its interests transferred;
- continues its existence regardless of what happens to individual members; and
- is eligible for state or federal financial assistance grants.

If your Club is to be incorporated, they will need to decide what type of incorporation they wish to pursue and apply with the [SOS' Corporate Division](#). A [Domestic Nonprofit Corporation](#) avoids much of the financial burden of other types of incorporation and is the type of organization most favored by Clubs; however, the Club's accountant or attorney can help decide what best fits their needs.

Please note that any Club that incorporates through the SOS must also apply for an [Employer ID Number \(EIN\)](#) with the IRS. An EIN is also known as a federal tax identification number and is used to identify a business entity.

Trail Construction and Maintenance

Trail construction and maintenance will be an important part of your Club's duties. Properly constructed and maintained trails will reflect on the continued success and overall image of your Club. [Best Management Practices for Erosion Control During Trail Maintenance and Construction](#) guidelines should be used. The techniques described within it will help reduce erosion of and environmental impacts to your trails.

Trail work in or over surface water or wetlands may require completion of the proper permits and authorization from the [Department of Environmental Services, Wetlands Bureau](#).

Your Club will also be responsible for posting trail signs. Trail signs provide information and guidance to trail users. Consistent trail signage throughout your trail system, and others across the state and country, is very important for a safe, enjoyable recreational experience.

New Hampshire's Grant-In-Aid (GIA) Program

If the Club has chosen to incorporate as a nonprofit, and has completed all requirements with SOS and the IRS, they are eligible to participate in [New Hampshire's GIA Program](#).

GIA provides assistance, in the form of grants, to organized nonprofit OHRV Clubs and political subdivisions. The grant funds are derived from OHRV registration fees and un-refunded gas taxes. Grants can cover the costs of trail signs, materials and equipment rental for creating/maintaining trails, fuel for grading equipment, and equipment purchases or reconditioning.

It is critical to note that a Club's trail system must be OPEN TO THE PUBLIC (anyone with a current OHRV registration) and have a designated/permitted parking area in order to be eligible for GIA. Trail systems that are open to Club members only or where a user fee is charged **ARE NOT** eligible for GIA.

A [landowner permission form](#) should be utilized by the Club to obtain landowner permission for trails. Any landowner who grants such permission shall be covered under a \$2,000,000 liability policy held by the BOT as long as the Club is recognized under the GIA Program.

If a Club chooses to be considered as a GIA Club, they should send a letter of request along with the following information to the Bureau of Trails, GIA Program, 172 Pembroke Road, Concord, NH 03301.

- A current list of the Club's officers, to include name, position, home address, telephone number, and email address;
- a copy of the Club's by-laws;
- a copy of the Club's Articles of Agreement filed with the SOS;
- a copy of a current Certificate of Good Standing (original has a gold seal) from the SOS;
- a completed GIA [Trail Administrator Authorization Form](#);
- a current map of the Club's trail system;
- a complete list of all the landowners that the Club's trails traverse, to include name, address, contact information, property location address, and name/number of trail on property; and
- a copy of a completed [Vendor Application and an Alternate W-9 Form](#) that was submitted to the NH Administrative Services' Bureau of Purchase and Property.

Under the GIA Program, it will be the role of you Club's Trail Administrator (TA) to coordinate and submit project requests and sign orders for GIA funding. They will also be responsible for signing GIA Agreements on behalf of the Club, tracking project expenses and outcomes, and submitting expenses for reimbursement under approved GIA Awards.

I hope this information is of assistance to you. If you have any questions feel free to contact me. Thank you for your interest in furthering the OHRV recreational opportunities in New Hampshire!

Sincerely,



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