

It's Right in New Hampshire

And Our Private Landowners Make it Possible

General Message to Trail Users and Landowners

“**Whose woods these are...**” Robert Frost deeply cared about the New Hampshire land he wrote about. Users of all private and public lands need to show that same type of reverence and care for the land and respect landowners wishes.

Many of New Hampshire's private landowners willingly open their forests and fields for public recreation. Some require permission be granted for each user, some do not. It's always wise to ask just to be on the safe side. Knock on doors and communicate; let the landowners know who you are and what your plans are while you are using their land. Be appropriately appreciative, and you're more likely to be invited back.

Respect Signs: Respect signs on private property. Your tracks may lead others to follow you. Posted signs are placed on the trail for everyone's protection. Trail signs show which way to go and often indicate which uses are compatible. The posting of a trail sign means the trail has a designated corridor and landowners have given permission for your access and enjoyment. Show your courtesy by staying on the trail designated for your use.



Maintaining Trails: Landowners know spring and fall are critical times of year due to wet weather. Trails are more susceptible to damage when they are wet. Tracks and ruts can lead to erosion. Let trails dry out before using them.

Trail users should join a club or an association to find out more about organized trail maintenance efforts.

The Land Itself is Important: The lands of New Hampshire are multiuse spaces. Forests are used for recreation as well as timber growth and harvest, and sap collection. Fields are rotated in and out of cycles of cultivation, grazing, and non-use.

Be respectful of fences, gates and any equipment you may find. Leave things as you find them. Don't cut trees, or other vegetation; don't drive nails into trees. Hunters should be especially careful to learn where a landowner's buildings, livestock and equipment are; and to avoid them while hunting. These are simple precautions for everyone's safety. Caring for the land and respecting the landowner and their property will lessen the possibility of losing the privilege of use.



Inherent Dangers of Operation

It is recognized that OHRV/snowmobile operation may be hazardous. Therefore, each person who drives or rides an OHRV/snowmobile accepts, as a matter of law, the dangers inherent in the sport, and shall not maintain an action against an owner, occupant, or lessee of land for any injuries which result from such inherent risks, dangers, or hazards. The categories of such risks, hazards, or dangers which the OHRV user assumes as a matter of law include, but are not limited to, the following: variations in terrain, trails, paths, or roads, surface or subsurface snow or ice conditions, bare spots, rocks, trees, stumps, and other forms of forest growth or debris, structures on the land, equipment not in use, pole lines, fences, and collisions with other operators or persons. (RSA 215-C:5-c (OHRV) and RSA 215-C:55, II (Snowmobile)).





New Hampshire Laws Addressing Landowner Concerns

New Hampshire property owners should be aware of the following State of New Hampshire Laws. The RSA's (Revised Statutes Annotated) cover diverse uses of property ranging from sight-seeing to the collection of fuelwood and from hiking to the use of Off Highway Recreational Vehicles.

These laws have been challenged in the courts and to date they remain intact affording the landowner liability protection under State Statutes.

RSA 212:34 Duty of Care

- I. In this section:
 - (a) "Charge" means a payment or fee paid by a person to the landowner for entry upon or use to the premises, for outdoor recreational activity.
 - (b) "Landowner" means an owner, lessee, holder or an easement, occupant of the premises, or person managing, controlling, or even overseeing the premises on behalf of such owner, lessee, holder or an easement, or occupant of the premises.
 - (c) "Outdoor recreational activity" means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, snowmobiling, as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuelwood from the premises.
 - (d) "Premises" means the land owned, managed, controlled or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs.

- II. A landowner owns no duty of care to keep the premises safe for entry or use by others for outdoor recreational activity or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph V.
- III. A landowner who gives permission to another to enter or use the premises for outdoor recreational activity does not thereby:
 - (a). Extend any assurance that the premises are safe for such purpose;
 - (b). Confer to the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed; or
 - (c). Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted, except as provided in paragraph V.
- IV. Any warning given by a landowner, whether oral or by sign, guard, or issued by other means, shall not be the basis of liability for a claim that such warning was inadequate or insufficient unless otherwise required under subparagraph V (a).
- V. This section does not limit the liability which otherwise exists:
 - (a). For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.
 - (b). For injury suffered in any case where permission to enter or use the premises for outdoor recreational activity was granted for a charge other than the consideration if any, paid to said landowner by the state;
 - (c). When the injury was caused by acts of persons to whom permission to enter or use premises for outdoor recreational activity was granted, to third persons as to whom the landowner owed a duty to keep the premises safe or to warn of danger; or
 - (d). When the injury suffered was caused by the intentional act of the landowner.

- VI. Except as provided in paragraph V, no cause of action shall exist for a person injured using the premises as provided in paragraph II or given permission as provided in paragraph III.
- VII. If, as to any action against a landowner, the court finds against the claimant because of the application of this section, it shall determine whether the claimant had a reasonable basis for bringing the action, and if no reasonable basis is found, shall order the claimant to pay for the reasonable attorneys' fees and costs incurred by the landowner in defending against the action.

RSA 508:14 Landowner Liability Limited

- I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.
- II. Any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct.
- III. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

A Message to Landowners from Local User Groups

In the realm of Off Highway Recreation there are 108 snowmobile clubs in the State of New Hampshire along with nearly 20 OHRV clubs. Each organization promotes and fosters their avenue of endeavor as a safe recreational sport. All of the organizations within the Bureau of Trails Grant In Aid Program recognize that without permission to use another person's property, their sport would not survive.

These organizations are also fully aware that people judge all OHRV/snowmobile operators by their actions and strive to conduct themselves in a highly ethical manner.

The New Hampshire Fish and Game Department has developed training courses for OHRV/snowmobile operators which provides a good training background for young operators.



New Hampshire Heritage Trail

The New Hampshire Heritage Trail is a 230 mile recreational trail stretching from Massachusetts to Canada along the Merrimack, Pemigewasset and Connecticut Rivers. Each community in the State along this trail has a story to tell. With this trail, you will enjoy the community's heritage, diverse landscapes and unique and rich history of the area. This program is a volunteer effort with assistance from the State of New Hampshire on establishing the trail network. Communities design, develop and construct their own segment of the trail.

Over 100 miles of trail has already been produced through the efforts of local volunteers. We would encourage you to join this exciting project, help develop it in your community, become a volunteer and take part in celebrating your community's heritage through this storytelling recreational trail.



Landowners and Landusers: A Traditional New Hampshire Partnership

New Hampshire takes pride in its opportunities for outdoor recreation. We enjoy fishing, hunting, bird-watching, watersports (both lake and stream), skiing (both alpine and nordic), cycling, hiking, and a number of motorized sports such as snowmobiling, OHRV riding. We also enjoy being able to offer these opportunities to our many guests from other states and countries.

Many of these activities, particularly the motorized sports, take place on private land. In fact, as much as 80% of our recreational activities take place on private land. It is the generosity of private landowners that allows New Hampshire's residents and guests to use more than 6 million acres for varied recreational pursuits.

Public use of private land is a privilege. It has been a tradition throughout New Hampshire for landowners to allow use of their land for the recreational pursuits of others. However, this time tested tradition is threatened by inappropriate uses of these lands. More than ever before, trail users recognize they must do their part in caring for the lands they enjoy in order to protect this privilege. Which is why over the past few years outdoor recreationalist have joined the Bureau and Fish and Game to make our laws even better.

Consequently, if all user groups continue to respect both the land and the owner, everyone will enjoy the benefits of this special partnership for years to come.



Dear Landowner:

The Cross Insurance Agency is pleased to provide all registered landowners, other than the State of New Hampshire, a liability policy for the Bureau of Trails underwritten by the Cincinnati Insurance Company. The Commercial General Liability policy provides coverage for registered landowners, other than the State of New Hampshire, who allow their land to be used for participation in the Hew Hampshire Heritage Trail and the OHRV/Snowmobile Trails Program. Please understand that you must be recorded annually with the Bureau of Trails.

We provide limits on the Commercial General Liability policy of \$1,000,000 per occurrence with a \$1,000,000 aggregate for bodily injury and property damage as a result of a covered loss. In addition we provide an excess liability policy for \$1,000,000 of coverage for each occurrence and \$1,000,000 aggregate. These two policies combined provide a total limit of \$2,000,000 each occurrence and \$2,000,000 aggregate for each covered loss. Should any questions arise regarding the liability Coverage that has been purchased by the Bureau of Trails, please contact me at 1-603-206-0950.

Sincerely,

Cross Insurance Agency

By: Christopher O Sharpe
Christopher O Sharpe
President

CS

1100 Elm Street, Manchester, NH 03101
Tel: (603) 206-0950 Fax: (603) 645-4331

Contact Organizations

Department of Resources and Economic Development
172 Pembroke Rd
Concord, NH 03302-1856

Division of Parks and Recreation (603) 271-3556

Bureau of Trails (603) 271-3254
Fax: (603) 271-3553
Email: nhtrails@dred.nh.gov
Website: nhtrails.org

Department of Fish and Game (603) 271-3129
11 Hazen Drive
Concord, NH 03301
Fax: (603) 271-1438
Email: info@wildlife.nh.gov
Website: ride.nh.gov

NH Snowmobile Association (603) 273-0220
614 Laconia Rd, Unit 4
Tilton, NH 03276
Fax: (603) 273-0218
Email: info@nhsa.com
Website: nhsa.com

NH Off-Highway Vehicle Association
75 South Main St.
Unit 7 PMB #281
Concord, NH 03301
Email: nhohva@gmail.com
Website: nhohva.com

Dear Landowner:
This brochure was given to you by the

(Club/Organization) _____

Contact Person _____

Phone Number _____

Landowner Partnerships



Bureau of Trails

NH Department of Resources and Economic Development
Division of Parks and Recreation