

## Statewide Trails Advisory Committee

September 25, 2013

DRED Conference Room

### In Attendance

#### Members:

- Chris Gamache NH Trails Bureau (BOT)
- Marianne Leberman White Mountain National Forest (WMNF)
- Debbie Briscoe NH Horse Council
- Peter DeSantis New England Mtn Bike Association (NEMBA)
- Larry Keniston NH DOT Bike/Ped
- Jack Wheeler NH Off Highway Vehicle Association (NHOHVA)
- Tom DiMaggio New Hampshire Musers Association (NHMA) (Chair)
- Raynold Jackson Society for the Protection of NH Forests (SPNHF)
- Bob Rimol NH Rail Trail Coalition
- Jack Wheeler NH Off Highway Vehicle Association

#### Staff:

- Megan DeNutte Bureau of Trails
- Patrick Hummel Bureau of Community Recreation
- Eric Feldbaum Bureau of Community Recreation

#### Guests:

- Gerry Gold SRK Greenway Coalition
- Brian Harjula Merrimack Valley Trail Riders
- Tom Levesque Merrimack Valley Trail Riders
- Harry Brown NH Off Highway Vehicle Association
- Kathy Turnbull Bear Brook Stables, Equestrian
- Debbie O'Donnell Landowner, Equestrian
- Robert Sowa Rocky Hill Farm, Equestrian
- Hannah Howard Blackwater Trail Riders, Equestrian
- Kathy Sweet Blackwater Trail Riders, Equestrian
- Trixie Lefebure Trail Rider, Equestrian
- Jane Mallinson Trail Rider, Equestrian
- Dorene Remillard Trail Rider, Equestrian
- Patricia Sanborn NH Horse Council
- Jason Woodward Trailbiker
- Avis Rosenfeld NH Horse Council

### Open Meeting

7:03 PM, meeting called to order.

### Introductions

Members and guests introduced themselves and their affiliations.

### Review Minutes

Minutes from the May 8, 2013 meeting reviewed and approved.

### Park Rules Explanation and Discussion

Chris G requested that this item be moved up from the New Business portion of the meeting due to the number of guests that came for this discussion. Chris explained that this was not a public hearing for the proposed Administrative Rules from the Division of Parks & Recreation. He explained what Rules were, how they are drafted and implemented and why agencies have Rules. He explained that most of the proposed "changes" are actually to clarify existing Rules that have been in place for 7-8 years. Horse use of trails was the primary topic and a lot of discussion ensued about horse use and the opinions of equestrian riders and how they may differ

from some others. The riders in attendance did not like the proposed language and felt it was targeting just them. The attendees were encouraged to attend the public hearings that were scheduled (a list of dates and locations was given out to attendees, as was a link to the existing and proposed Rules) and that written comments were valuable to the agency and that comments should not focus on people not liking the proposal, but should include why they felt the proposal is wrong; their recommendation of how to rewrite it and offer some solutions to areas of concern. The Chairman asked to move on to the rest of agenda after 45 minutes of discussion.

### **Member Updates**

Brian Harjula and Tom Lesveque gave a presentation on the Merrimack Valley Trail Riders club, their fundraising efforts for Cystic Fibrosis and work on trails as Hopkinton-Everett Riding Area. Club formed in 1972, Hop-Ev trails began use in 1976 as a special event ride. Today club partners with Trails Bureau to help maintain the 25 miles of trail in the riding area. Club is now assisting with trailbike preferred trails "single track" at Jericho Mountain State Park and helping the North County OHRV Coalition by building sign kiosks for the trail system. Club holds an annual CF Ride that raises funds for CF. Event is well attended and uses trails on many State Parks and Forests for that weekend.

### **OHRV/Snowmobile Update**

Hoping Farmers Almanac is accurate and that we get the high snow totals and cold weather it is predicting. Bureau and clubs are getting ready for winter and trying to finish trail projects before snow arrives. Annual Trailmaster Training for snowmobile clubs is November 16<sup>th</sup> at Attitash. Coos OHRV Loop summary: summer went well with the increase in trail mileage available in Northern NH. Ride the Wilds trail has caught on and there was a lot of tourism activity so far this summer. Final 2 segments of the trail system are hoped to come on line in the spring; 1 connecting Errol to the trail system and 1 connecting N Stratford north to Colebrook area.

### **Recreational Trails Program**

Will have a 2014 grant round. Federal Highway Bill goes through FY 14 (Federal Fiscal Year). Last year of dedicated funding at this time. Will need a new highway bill to include RTP to continue the program. Governor Hassan committed in the spring to not "opt-out" of the program and use the funds for highway purposes: FL has opted out and has no RTP program for 2013-14. Hope to announce grant funds available first week of October but may delay with federal shutdown discussions. This is the only funding source for non-motorized trails, and it comes from motorized user federal gas tax.

### **Heritage Trail Update**

No new updates.

### **Old Business**

Skipped old business in interest of time

### **New Business**

-Legislative updates were discussed briefly, yet one proposed bill was discussed further. There is support for an assumption of risk statute, which would mirror existing statutes in the OHRV and snowmobile world. This bill would state that anyone using the land of another accepts that they may be injured, etc and accepts, as a matter of law, that liability and will not hold others responsible for their actions. Duty of Care and Landowner Liability Limited already note that landowners are not liable if they do not get paid for the use of the land, however the continued threats of law suits are making more landowners leery of non-motorized trails on their lands. This would help by stating that all trail users know they could get hurt and agree to not go after landowners. NH Mushers Association would also like to see "mushing" added to the list of activities in the

Duty of Care law. Tom D asked for a vote of the Committee to support this legislation initiative. Vote was unanimous to support the proposal.

-Introduction of new Parks Staff: Patrick Hummel is now the Volunteer Coordinator for the Division; he comes from Managing Mount Monadnock State Park. Patrick introduced himself to the group and is looking forward to working with their organizations. Eric Feldbaum is the Director of Community Recreation and his office will be working with volunteer groups also and Eric introduced himself.

-Chris G discussed a Northern NH Trail Plan that is in the works and will need involvement from the organizations on STAC. Seeking funding now through a Federal program and is going to be asking Statewide Trail Organizations to sign on as beneficiaries of the plan to show support to do more trail planning for multiple users groups in the northern part of the state.

#### **Guest Comments/Questions**

Ray J asked if the agenda and minutes from previous meetings could be sent out a week in advance if possible. Quite often no members give agenda items for discussion and it is often left to the Trails Bureau to fill the agenda. Getting minutes and agendas out further in advance will be planned for in the future. Ray J offered to do a presentation about SPNHF at the next meeting.

#### **Next meeting**

Next meeting is set for Wednesday January 15, 2014 at 7 pm at DRED HQ.

Meeting adjourned at 9:00 PM.

Language of proposed bill handed to committee is as follows:

New section of Duty of Care (212:34)

VIII. It is recognized that outdoor recreational activities may be hazardous. Therefore, each person who participates in outdoor recreational activities accepts, as a matter of law, the dangers inherent in such activities, 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 outdoor recreational participant 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 objects or persons.

Adding Mushing to Section I of Duty of Care (212:34)

(c) "Outdoor recreational activity" means outdoor recreational pursuits including, but not limited to, hunting, fishing, trapping, camping, horseback riding, bicycling, water sports, winter sports, mushing, snowmobiling as defined in RSA 215-C:1, XV, operating an OHRV as defined in RSA 215-A:1, V, hiking, ice and rock climbing or bouldering, or sightseeing upon or removing fuel wood from the premises.