

## Statewide Trails Advisory Committee (RSA 216-F:5)

January 13, 2016

DRED Conference Room

### In Attendance

#### Members:

- Chris Gamache NH Trails Bureau (BOT)
- Tom DiMaggio New Hampshire Musers Association
- Peter DeSantis New England Mtn Bike Association (NEMBA)
- Debbie Briscoe New Hampshire Horse Council (NHHC)
- Tim Blagden Bike-Walk Alliance of New Hampshire (BWANH)
- Marianne Leberman White Mountain National Forest (WMNF)
- Raynold Jackson Society for the Protection of NH Forests (SPNHF)
- Harry Brown New Hampshire OHV Association (NHOHVA)
- Larry Keniston New Hampshire DOT Bicycle and Pedestrian Program
- Scott Monroe Appalachian Mountain Club (AMC)
- Roger Wright NH Snowmobile Association (NHSA)

#### Staff:

- Patrick Hummel Division of Parks & Recreation, Volunteer Coordinator
- Eric Feldbaum Division of Parks & Recreation, Community Recreation
- Phil Bryce Division of Parks & Recreation, Director

#### Guests

- Craig Sanborn (Cardigan Highlanders), Avis Rosenfeld (NHHC), Tom Levesque (MVTR), Glenn Harvey (MVTR), Hal Graham (BRATT), Bill MacLean (BRATT), Bryan Hadlock (Hadlock Insur), Bill Tidd (BRATT), Heather MacAllister (NHHC), Gerry Gold (SRKGC)

### Open Meeting

7:02 PM, meeting called to order. .

### Review Minutes

Minutes from the October 7, 2015 meeting reviewed. Questions about follow up from Fish & Game from motion in minutes. Motion was send to Fish & Game but no reply to it. Acceptance of minutes moved Harry B, Second Peter D. Minutes approved.

### Introductions

Committee members introduced themselves and their affiliation on the committee.

### “Through Trail” Presentation

Presenter did not show for meeting. No contact with staff since confirming meeting.

### OHRV/Snowmobile Update

Chris G gave a brief overview of the fall OHRV season. Most riding areas closed down at the beginning of November and fall was very busy on trails in the north country. There is increased trail traffic and Bureau and clubs are seeing impacts from riding in late fall. Need to have more discussions with clubs about overall impacts and resources.

Snowmobile has started, despite slow start to winter. There is riding in some areas in the North Country. Last winter trails did not see the first major storm until the last week of January, so this is a similar start to last winter. Winter will come and more riding will be available shortly.

### Introduction of Guests

Chairman apologized for forgetting to introduce guests present. Guests stated their name and organizations they are affiliated with.

### **Recreational Trail Program Update**

Chris G updated the group that we now have a 5-year transportation bill called (FAST) Act of 2015. The Bill protects the RTP as a set-aside program within the transportation budget. Funding levels are set at the levels each state received in 2009. In NH that is approximately \$1.2 million.

### **Heritage Trail Update**

No updates or activity since last meeting

### **Old Business**

Trail Group Insurance Presentation (Harry B): no action on this since last meeting. Harry noted there are 22 clubs in the NH OHV Association and insurance for the clubs has been difficult to find. NHOHVA is changing its bylaws to allow for Associate members because the policy they found will allow other organizations to get the insurance policy if associate members of NHOHVA. Harry turned over presentation to Bryan Hadlock, of Hadlock Insurance in Littleton. There have been minimal OHRV losses in the insurance world. The biggest issue in finding insurance for groups is the ignorance of trail topics by insurance companies. They had to design a new product for NHOHVA; new general liability product which allows for year-round coverage, buy-in at any time, open to any recreational trail organization; except for equine at this time. Covers mobile equipment also. \$2 million aggregate coverage, \$1 million bodily injury/occurrence. Events are covered, except for racing or similar events. The State of NH is listed as an additional insured on all policies at no extra cost. Would be about \$400/year for organizations. Discussion continued about Directors & Officers (D&O) coverage. Non-profit rules and financial suits are now common. Fiduciary issues are the main cause of suits to organizations. Theft coverage is a good idea for organizations also. NHOHVA policy has D&O coverage and \$50k theft coverage. RSA 508:17 addresses coverage levels for liability of non-profit groups. Should groups have insurance to cover the groups assets and personal assets of volunteer board members? 508:17 is good and covers organizations very well, but attorneys will sue for anything, at anytime and anyone. Coverage is always recommended. \$600-800 is the average cost to small groups for D&O insurance.

HB 1569 Discussion: today individuals are covered by the State for defense in the event of a suit, but organizations are not defended by the state. A copy of a memo about what HB 1569 does, and does not do was handed out. Individuals are treated like state employees for defense while working on state lands, but organizations are a different story. According to 508:17 they are liable for up to \$250k and \$1 million. All agreements with State, as instructed by Department of Justice, must have defend and indemnify language for the state and also an insurance policy or the person signing the agreement (Director) is personally liable. The state would be able to leverage a larger pool of insurance carriers and have more power to get lower costs than one group can. Point of the bill is to lessen the burden on volunteer organizations by helping them get insurance, which they should all have. Today is would be easier for state to not work with any organizations and only work with individuals. There is a higher risk for organizations that accept funds, grants and donations. They have financial liabilities.

Bear Brook trail update: the agency needs an updated Management Plan for the park. The last plan was done in 1984, with a small update in 1994. A new plan is next in line for the agency, once Nash Stream is finished. There is no known timeline for completion but STAC members will be involved.

MOAs: individual agreement forms are in a final draft review at the Department of Justice. Any organizations that have insurance today, and accept the defend and indemnify language, can get MOAs finalized. Other organizations are on hold pending legislative direction from the bill discussed earlier. Are individuals that are part of a group, doing individual work covered by the state for defense now? No (Patrick H). They are considered part of the larger organization and

need an individual agreement with state to be covered. Chairman ended discussion to move onto final items on agenda.

Trail User Responsibilities/Etiquette: Tom D wanted to remind groups about the trail etiquette worked on by STAC. Asked to please get the information out to organization members about how to behave on trails. Would like to see signs about rules on kiosks in all parks.

### **New Business**

2016 Legislation review: HB 1569 was the primary bill of concern at this time.

Friends of WMNF: Scott M noted he is starting a non-profit organization to be conduit for local fundraising and projects within the White Mountain National Forest. Trying to find an easier way to get funds to help support the Forest's mission.

### **Guest Comments/Questions**

Tom L. (MVTR) asked about discussions to have NH youth OHRV classes recognized in MA? Chris will talk with Major Wimsatt, but it is up to the other states to accept NH classes. For an out of state class to be accepted here NH F&G must review and approve the course the other states teach. How can the Admin Rules about having to have insurance on GIA equipment reversed? Trails does not support that. The Rules were just approved in June and that was in the proposals with no opposition.

Harry B asked if insurance requirement is an unfunded mandate by the state? No (Chris G). Clubs do not have to accept grant funds and the rules that go along with them. If they willingly accept the funds they accept the terms.

Tim B noted that HB 500 passed a House study committee earlier this week. At the Oct meeting STAC deferred any votes about the legislation until the House study committee had acted. Is there any desire to oppose the bill (sound suppressors on hunting rifles)? Committee is not sure this type of action is part of this committee's charge. STAC is set up to advise Parks Director on trail matters.

### **Next meeting**

Next meeting is Wednesday May 11, 2016 at 7 pm at DRED HQ.

Meeting adjourned at 8:57 PM.