

HB 1427 - Mozilla Thunderbird

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From Mike Schoenegge <mschoenegge@yahoo.com> ☆ Reply Reply All Forward More

Subject **HB 1427** 1/28/20, 17:00

To HouseTransportationCommittee@leg.state.nh.us <housetransportationcommittee@leg.state.nh.us> ☆

Cc Victoria Sheehan <victoria.sheehan@dot.nh.gov> ☆, robert.scott@des.nh.gov <robert.scott@des.nh.gov> ☆, robert.quinn@dos.nh.gov <robert.quinn@dos.nh.gov> ☆, william.haynes@dos.nh.gov <william.haynes@dos.nh.gov> ☆, Caleb Dobbins <caleb.dobbins@dot.nh.gov> ☆, clark.freise@des.nh.gov <clark.freise@des.nh.gov> ☆

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Dear House Transportation Committee,

We write to express our support for HB 1427, and any other steps by the NH State government to improve and enforce the rights of private property owners and non-motorized trail users with regards to the use of OHRVs in Henniker, the surrounding communities, and the state of New Hampshire.

My family has owned 100 acres in Henniker at the intersection of Mink Hill Road and Rt. 114 for over 40 years, and we are writing you to urge swift passage of HB 1427, whose purpose is to Repeal RSA 215-A:10 IV (d).

(d) The trail connector and crossing, located along and across Route 114 in the town of Henniker, which connects to the southwest end of Mink Hill Road, shall be designated for OHRV use during the months of May through November, provided that the town of Henniker and private lands south of Route 114 continue to allow the public OHRV use on their properties.

Our rationale for supporting the passage of HB 1427 is four-fold:

1. Due Process and Transparency was side-stepped by the NH Bureau of Trails in the establishment of this Connector Trail in 2017
2. The Warner Selectboard recently closed Mink Hill Road in Warner to OHRV use
3. The OHRV Connector Trail is being used 12 months per year, not 6
4. The rights of Private Property owners (who are New Hampshire's largest source of Tax Revenue) are being ignored, and favor given to the OHRV lobby and a small group of OHRV riders.

Lack of Due Process and Transparency

The location and history of this Connector Trail preceding its 2017 establishment through the passage of 2017 HB 237, highlight a hotspot for contentious OHRV traffic, Class VI Road destruction in Henniker and Warner, OHRV Crime, and frequent violation of Private Property rights. This OHRV Connector trail was created through 2017 legislation primarily advocating for the establishment of a committee to study helmet and restraint laws for youth operators of OHRV's and snowmobiles. By creating this OHRV Connector Trail through Legislation, rather than the protocols clearly detailed in RSA-215, the NH Bureau of Trails disregarded and circumvented the defined requirements for the establishment of OHRV Connector Trails that is detailed in RSA 215-A:3 VI, VIII; A:43 (New Trail Evaluation Process).

RSA 215-A:3 VI, VIII; A:41-43 (attached for reference) clearly details the conditions that must be met for a Connector Trail to be established on State-owned property. Some of the key requirements that were ignored by the Bureau of Trails include:

RSA 215-A:41 II. (a) Uses, to the greatest extent possible, private lands, under voluntary agreement with landowners. The private lands North of Route 114 are under the same ownership as private lands South of Route 114 referenced in the 2017 Amendment to HB-237. This private land North and South of Route 114 could easily be used in lieu of State lands, as this private land both South and North of Route 114 already has a developed network of OHRV Trails that does not require the use of public lands.

RSA 215-A:41 II. (b) Uses public lands that can host ATV and trail bike trails that are compatible with existing uses and management goals and plans. The Off-Highway portion of this State parcel is a wetland dense with 1st and 2nd order streams. And neither DOT nor other State Agencies were ever consulted in the establishment of this Connector Trail. Had the other State Agencies listed in RSA 215-A:42 been included in this process, and had the Coarse and Fine Filter Criteria been applied, it would have been clearly visible that this location for a Connector Trail FAILS to meet the requirements for the establishment of a NH OHRV Connector Trail.

RSA 215-A:41 II. (d) Is regularly monitored for overuse, compliance with laws and regulations, and environmental degradation, with the curtailment of trail use if such conditions are found to exist. To our knowledge, this requirement has never been met for the Henniker OHRV Connector Trail.

RSA 215-A:41 II. (e) Ensures safe and legal use through consistent enforcement of all laws as set forth in this chapter. Neither DOS, Fish and Game, nor local law enforcement have the resources to sufficiently monitor or enforce laws in this location. The history of OHRV violations and crime detail this clearly.

RSA 215-A:41 II. (f) Provides opportunities for public input in all decisions regarding development of new or significantly revised trail systems on state lands. Public visibility and input never took place before the creation of this OHRV Connector Trail in 2017.

Warner Selectboard closed Mink Hill Road in Warner to OHRV Use

On 1/14/2020, the Warner Selectboard held a public meeting to receive input on the tradeoffs of OHRV use of Class V and VI roads in Warner. After hearing about all of the problems created by OHRV use of Warner Class V and VI roads, the Warner Selectboard voted to close many Class V and VI roads to OHRV use, including Mink Hill Road. The Henniker OHRV Connector Trail in question is 1/2 mile from Mink Hill Road in Warner, and relies on access to Mink Hill Road in Warner to manage

OHRV traffic volume. Without Warner access to Mink Hill Road, this Connector Trail will drive OHRV traffic up a dead-end trail, or worse, it may encourage further illegal trespassing on our private property, as OHRV's seek alternate routes.

The OHRV Connector Trail is being used 12 months per year, not 6

Although 2017 HB 237 stipulates that this NH OHRV Connector Trail shall only be used by OHRVs May through November, trail signage remains in place, and OHRV traffic continues to use this Connector Trail 12 months of the year.

Private Property Rights

The value of our property, and our quality of life on our property, are being degraded by this OHRV Connector Trail. We are the sole Abutter to this Trail, and for more than 10 years BEFORE the establishment of this OHRV Connector Trail, we experienced the negative impacts of OHRVs in our neighborhood, such as OHRV Traffic, Crime, Road Erosion, Noise and Environmental Pollution. SINCE the establishment of this OHRV Connector trail in 2017, these negative impacts have only increased.

I am attaching our June 2017 letter to Governor Sununu, which urged him to veto 2017 HB-237 and the establishment of this NH OHRV Connector trail, for further background and detail for you.

We hope that the State of New Hampshire will begin to consider the interests and rights of NH Private Property owners and trail users who are not OHRV enthusiasts, and will expedite the passage of HB 1427.

Regards,

Mike Schoenegge and Family
Mink Hill Road
Henniker, NH

3 attachments 4.1 MB Save All

 HB237 2017-06-22.pdf	81.4 KB
 Governor Sununu - Please VETO June 22 Amendment to HB-237 06.26.2017.pdf	4.0 MB
 CHAPTER 215-A41-43 OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS 2020.pdf	98.8 KB