

Please VETO June 22 Amendment to HB-237

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To: governorsununu@nh.gov

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Bcc: manzelli@nhlandlaw.com

Date: Monday, June 26, 2017, 4:39 PM EDT

Dear Governor Sununu,

For 40 years, my family has owned 100 acres along Mink Hill Road in Henniker, NH and and we were shocked and disappointed to learn on June 25 about an Amendment to HB-237 that we understand passed the NH Legislature on June 22, and is now awaiting your signature. I am attaching this Amendment for your reference, which at the end of the Amendment covering OHRV Helmet Safety, adds an unrelated change to State Policy regarding OHRV use of State Roads and Lands in Henniker, NH.

We urgently request that you VETO this Amendment, and request a full multi-department review of the proposed Legislation by NH DES, DOT, DRED, Fish & Game, the Town Governments in Henniker, Warner, Hopkinton, and Mink Hill Road Abutters who would be impacted by this Amendment. Our request is based upon the following fact base and experience with OHRV crime on our property.

1. In 2016, we worked with the NH Bureau of Trails to close an unauthorized Snowmobile Connector Trail that crossed our property in Henniker, as it was instead being used 12 months of the year, without permission, by OHRVs. We had passively allowed snowmobile use for many years, conditional upon the respectful use of our property and Mink Hill Road by the local snowmobile community.
2. Since 2004, and rapidly increasing since 2010, we have experienced an escalation of OHRV crime on our property. The presence of the unauthorized Snowmobile Connector trail on our property had provided OHRV's with direct access to our property and Mink Hill Road, and the result has been an accelerating series of OHRV crimes including Breaking and Entering, Illegal Occupancy, Stolen Goods, Vandalism, and Trespassing. Also, the OHRV traffic has caused massive erosion problems on Mink Hill Road, a class VI road that we as Abutters have had to repair, in order to maintain access to our property. These OHRV crimes have cost us the property owners tens of thousands of dollars in repair expense.
3. 3 OHRV crimes in 5 weeks: from May 14-June 11, 2017, we have had 3 OHRV crimes on our property, including Breaking and Entering, Vandalism, Stolen Goods, and Trespassing. Investigations are underway by Henniker PD, as in all 3 crimes, suspects were photographed from security cameras.
4. Inadequate Police resources: While Henniker PD has been a good partner, they do not have the staffing or equipment to patrol either Mink Hill Road or the local OHRV trail system to provide adequate Law Enforcement, to match the volume of OHRV riders and the crime rate. Nor does NH Fish and Game have adequate resources, with 1 F&G officer covering 10 towns in the Henniker area.
5. Ride The Wilds South - we understand that the Amendment to HB-237 is one step in an effort by DRED to establish a "Ride the Wilds South", which would offer a southern NH alternative to Ride the Wilds at Jerrico State Park. While a 1000 mile OHRV trail network may be appropriate for Coos County with a population density of 17 people/square mile, a similar OHRV trail network in Merrimack and Hillsboro Counties, where the population density is nearly 150 people/square mile, does not make sense. OHRVs and other trail use do not mix well, and OHRVs in densely populated areas of NH, definitely does not make

sense.

6. Amendment has no local sponsorship: Representative Steve Smith, of Sullivan County, is the sole bill sponsor. There has been no public discussion in Henniker or Merrimack County about this Trail Connector, where the impact would be concentrated.

7. Amendment overrides NH RSA 215: RSA 215 (Attached) clearly defines private property rights with respect to OHRV use, and the fine course filter criteria that must be applied to the consideration of any new OHRV trail on NH State Roads or Land. The pending Amendment would override NH OHRV Policy for establishment of OHRV trails, requiring Multi-Dept review by DOT, DES, Fish & Game, Consultation with Abutters, etc.

8. Private property violation: the previous Snowmobile trail has been relocated onto DOT managed State Land through the approval of a new Snowmobile Connector Trail in January 2017 (Attached). This approved trail expressly prohibits OHRV use.

9. NH DES Violation: The location referenced in the Amendment at the SW end of Mink Hill Road in Henniker is dense with first and second order streams, and wetland areas. RSA 215 expressly prohibits OHRV trail establishment within 100 feet of the ordinary high water mark of a first or second order stream.

10. Negative impact to quality of life and property value: The OHRV crime and destruction over the past 10+ years has had unfavorable impact to our quality of life and property value.

11. No public review: The last section of the Amendment has no relationship to OHRV helmet use, and was added to this Amendment without any public review or input from Abutters to this location.

New Subparagraph; Limitations of OHRV Operation on Class I, II, III and III-a Highways;
Exception Added. Amend RSA 215-A:10, IV by inserting after subparagraph (c) the following new subparagraph:

(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.

Again, we urgently request that you take the fair and proper step to VETO this Amendment as written. I have also attached damage photos from a recent OHRV break-in at one of our houses on Mink Hill Road, for your reference. Thank you for your time and consideration.

Regards,

Mike Schoenegge
Mink Hill Road
Henniker, NH

Attached:
HB 237
RSA 215
Snowmo Trail Connector Permit
Damage photos

cc:

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HB237 2017-06-22.pdf
81.4kB



CHAPTER 215-A OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS.pdf
345.5kB



Henniker Trail Travelers Connector Permit .pdf
610.2kB