

Attorney Brooks,

I request that you write a document explaining sovereign immunity as it affects DNCR and the Mount Washington State Park, and post it with the other relevant Mt. Washington State Park Master Plan documents, well before the public hearings on the Master Plan.

If you represent DNCR and cannot write a document which represents the interests of all the Mount Washington Commission partners/members, please state this. The MWC would then, of course, need to find another attorney to write this document, and would need to postpone the public hearings until it has been posted on the site for several weeks.

The document must be detailed and thorough, cite precedent, and explain what the sovereign immunity given to DNCR/Board of Trails in the Gorham trail meant and means, in very specific terms.

Did this sovereign immunity exempt DNCR/BOT from all RSAs governing OHRV siting?

Does sovereign immunity exempt DNCR from all RSAs governing State Parks?

Does sovereign immunity exempt DNCR from all RSAs governing its actions?

Is DNCR automatically given sovereign immunity in a lawsuit or is that a decision of the judge?

Could DNCR/BOT have accepted their responsibility for adhering to the RSAs and refused sovereign immunity in the Gorham lawsuit?

Can DNCR waive sovereign immunity for all but very specific liabilities (RSAs)?

If a lawsuit arose over DNCR's actions in Mt. Washington State Park, would one expect that DNCR would again be given sovereign immunity, and if so, would they then have no responsibility to adhere to any of the RSAs governing the State Parks? Would they also be immune to other laws; local, state and federal?

What effects does sovereign immunity (potential and actual) for DNCR have on its relationship with the other members of the Mt. Washington Commission? If DNCR supports or recommends certain projects, yet may have no responsibility for the consequences of these projects, how would a lawyer (not representing DNCR) advise MWC members to assess these recommendations?

If DNCR supports or recommends certain projects that are connected to the Auto Road or the Cog, yet potentially has no responsibility for the consequences of these projects, how are these private parties to assess these recommendations?

Since you work for DOJ, which spent approx. \$300,000. representing DNCR in the lawsuit brought by the Gorham abutters, and are thus presumably aware of this lawsuit, did you notify the Commission Members of the issue of sovereign immunity for DNCR, and if not, why not?

Did Commissioner Stewart or Phil Bryce notify the Commission Members of DNCR's sovereign immunity in the Gorham lawsuit and the issues that could arise if DNCR were granted sovereign immunity in any lawsuits over DNCR/private practices or environmental damage, in Mt. Washington State Park? If not, why not?


Inasmuch as New Hampshire politicians are controlled by corporate donors, and DNCR actions are driven by politicians and people appointed by Governor Sununu and thus also influenced/controlled by corporations, which are inherently amoral, can an agency, especially one with sovereign immunity, protect rather than exploit the parks, waters, roads, air and ecosystems for which it is responsible?

Given that DNCR is not acting in accordance with the science on climate change/overshoot/the sixth great extinction, how would sovereign immunity given to them in a lawsuit over their failure to even acknowledge, let alone address, these massive disasters in any meaningful way, affect the outcome of such a lawsuit?

Please include all issues I've not listed.

Thanks,

Kris Pastoriza
Easton, N.H.


June 16, 2022