

STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of PARKS and RECREATION

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856
PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: nhparks@dred.state.nh.us
WEB: www.nhstateparks.org

January 29, 2014

The Honorable Sharon Carson, Chairman
and Senate Executive Departments and Administration Committee
NH State House, Room 100
Concord, NH 03301

Re: SB 251, an act relative to horse access to state land.

Dear Chairman Carson and Members of the Committee,

Please accept this testimony on behalf of the Department of Resources and Economic Development, Division of Parks & Recreation, Bureau of Trails regarding SB 251 relative to horse access to state land.

This bill was filed in response to the initial Administrative Rules proposal released by the Department in 2013 that govern the use of 234 properties managed by the Department. By way of background it is important to note that the rules under Res 7301.09 that are in force today state the following:

- (a) Horses and other animals used for riding or driving, except for animals regulated by Res 7301.08, shall not be permitted in state parks except at designated areas.*
- (d) Horseback riding shall be permitted on all road-width, blazed trails unless closed by posting.*

The initial rules proposal did not provide any additional restriction on where horseback riding could occur than is in rule today. It only sought to define what road width meant and actually provided for posting additional trails for horseback riding. The initial proposal for the new rules stated that:

- (a) Horses and other work animals used for riding, driving, or transportation of persons or goods, except for animals regulated by Res 7301.08, shall not be permitted on DRED properties other than as permitted herein.*
- (2) Horseback riding shall be permitted on all road-width trails unless closed or restricted by posting, and shall be permitted on other trails if posted open for such use. For purposes of this section, road-width trails shall be defined as trails that have a minimum eight-foot (8') hardened trail tread.*

The equestrian community felt the initial rules proposal was extremely restrictive and opposed the rule not necessarily understanding that they were in fact reacting not to proposed rules but to the existing rule that had been in effect for a number of years.

As we became aware of the concerns with the existing rule and proposed rule from five public hearings held across the state, three public informational meetings, and hundreds of written comments, the department worked with representatives of the equestrian community to develop rules that allow for much greater access to DRED properties by horseback riders.

The rule was re-written from prohibiting horseback riding except where permitted to now permitting horseback riding except where prohibited. Prohibited areas include specific properties, such as Monadnock and Franconia Notch state parks, and specific areas, such as maintained lawns and campgrounds. Regardless, the rules still provide for equestrian use to occur in these prohibited areas if it is posted as an allowed use, or allowed by other agreement or a special use permit.

The department also worked with the equestrian community to develop practical rules addressing horse manure, reins and leads, and carriage driving based upon their comments and concerns. The new rules and related information can be found on our website at <http://www.nhstateparks.org/who-we-are/division/Proposed-Admin-Rules.aspx> and are scheduled to be heard before the Joint Legislative Committee on Administrative Rules on February 7th, 2014.

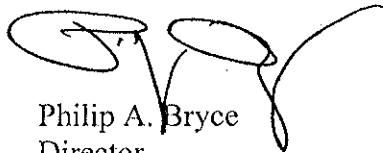
We appreciated the bill's sponsors' support to ensure that we are providing a full range of recreational access to DRED properties and allowing us to address any issues statutorily if necessary. However, we do not believe that this legislation is necessary for the following reasons:

- Our new rule proposal has already significantly opened up horseback riding on department properties achieving the intent of the legislation. We believe we have made every effort to be responsive to public concerns;
- RSA 216-F:2 applies to the Statewide Trail System that includes private lands. While private landowners may be willing to allow hikers across their property, they may not want to allow other users so being required to allow one specific user group might result in the unintended consequence of prohibiting access to any and all trail users;
- Please keep in mind that land managers need to have the ability to balance many different and sometimes conflicting uses, to provide for public safety, and to protect the environment, investments in infrastructure and all visitor experiences;
- If similar legislation was passed for all users, such as mountain bikers, OHRV's, and dog sleds, this would present a significant management challenge for the agency as well as private landowners who open their lands to the public;

- The new rules, developed with members of the equestrian community, provide the basis for a new productive partnership going forward that will lead to additional department support and accommodation of horseback riding.

Thank you for considering this testimony. Feel free to contact me should you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Bryce". The signature is stylized with a large, sweeping flourish extending to the right.

Philip A. Bryce
Director

PAB/cg

