



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

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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. (*Follow-up Information.*)

Dear Chairman Carson and Members of the Committee,

As requested at today's hearing, please find attached copies of Sections 7301.08 of the DRED rules for the:

- Final proposal dated 1/2/14 as revised from public comment;
- Initial rules proposal dated 7/23/13; and
- Current rule in force today that became effective January 1, 2006.

For further reference, we have included the 7301.09 sections for each of these rules that covers Equine use. For historical reference, Section 7301.10 is also included which takes us back to 1996. This is the version that rule was in effect in 2003. Whether we enforced that rule or whether park managers were even aware of it is a separate issue and one that we are correcting. However, as far back as 1996 horses have never had unrestricted access in rule:

*"Res 7301.10 Horses, Llamas, and Other Animals. Horses, llamas, and other animals, except for pets, shall be prohibited except in designated areas."*

Thank you again for granting me the time to speak today. I would also like to take this opportunity to provide some additional information. We have made a great deal of effort to reach out to members of the equestrian community, change the rules to address their concerns, and keep them informed of the changes with public meetings, website updates, and even direct emails. We even held two public sessions on the final proposal after public comment had been incorporated and made further changes from that meeting to address a couple of remaining concerns.

Unfortunately the word did not reach everyone and, based upon my conversations with attendees after the hearing, some folks were not aware of the changes made in the final proposal - for example, that we did a complete re-write of the section covering manure disposal. Therefore it would be helpful to know if their comments and reactions were directed towards the initial proposal or the final proposal. Chris Gamache and I both

spoke with individuals who had not read the final rules proposal or the summary of rules we prepared and posted on the website.

In conversations with many of the attendees after the hearing, it became more evident that what they were really looking for was statutory certainty of unrestricted rights to access department lands for riding regardless of whether they felt the recent final rules proposal was acceptable. Their concern over both short and long term access has been heightened by the behavior of a very limited number of mountain bikers who have been posting trails on department lands against horses, without permission from the agency. (We have told the mountain bike community this is unacceptable). In addition, the plans the mountain bike community had developed for Bear Brook State Park raise additional concerns – a plan the agency has taken no action on, and when it does, would do so with full public engagement.

We believe the right to ride horses is already covered in the correct context in RSA 216-F:2 as follows:

***“216-F:2 Use of Statewide Trail System***

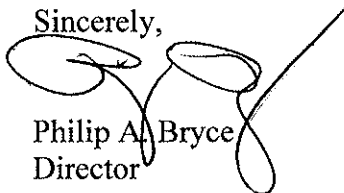
*1. The trails within the system shall be held, developed and administered under this chapter primarily as recreational trails for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing, snowmobiling, mushing, and off highway recreational vehicles and the natural scenic beauty thereof shall be preserved insofar as is practical;”*

By statute, horseback riding is already considered one of the uses of the statewide trails system. This is good guidance for the agency. The intent to allow this use is clear in statute and horseback riders have been enjoying riding for years, including under existing rules. The new rules proposal provides an even greater level of access for horseback riding and opportunities to accommodate this use further.

We do not believe that it is appropriate public land management policy to provide unrestricted statutory access to public lands for any one user group. We request that we retain the ability to address the balance between the broad range of users and the management of department lands in rulemaking and by working closely with those user groups to provide the best possible opportunities and experiences for everyone.

Please let me know if we can provide any additional information. Thank you again for all of your time today.

Sincerely,



Philip A. Bryce  
Director

PAB/mc