

#### **4/26/2021: Officer Ben Lewis - Fish and Game**

If town did not give permission to build tree stand - town is not liable for accident or injury involving the tree stand.

If town wishes to remove tree stand the materials must be stored and a card left on the site with a contact name and number. The materials should be stored through the next hunting season so the owner has a chance to see the card with notification. It would be good to post on FB that the town will be removing the stand by a certain date if the owner does not remove it. Fish and Game should be notified if a tree stand is removed.

If the stand is marked with a sign such as - This stand may be unsafe- use at your own risk - the town is still not liable for accident or injury.

Hunters need written permission if they are planning to nail or screw into the tree or trim branches to put up their tree stand. (see RSA below)

#### **STATUTE relative to the regulation of tree stands, observation blinds, and pit blinds.**

RSA 207:36-a Use of Tree Stands, Observation Blinds, and Pit Blinds – I. No person shall erect, build or use a tree stand or observation blind on land of another person that damages or destroys a tree by inserting into the tree any metallic, ceramic, or other object used as part of a ladder or observation deck, without express written permission from the property owner or designee.

II. No person shall erect, build or use a pit blind on land of another person without express written permission from the property owner or designee.

III. No person shall cut any tree in connection with any of the activities regulated under this section without the express written permission of the property owner or designee.

IV. The permittee shall carry such permit on his person while in the field and shall be subject to inspection on demand of any conservation officer.

V. All property owner permits shall expire on December 31 of each year unless rescinded by the property owner or designee.

VI. Any person who violates any provision of this section shall be guilty of a violation and shall be liable for the amount of damage caused by the act, to be recovered by the property owner sustaining the damage.

VII. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the form, issuance and filing of property owner permits for the tree stands, observation blinds and pit blinds.

- **Written landowner permission is required for any tree stand, ladder or blind that damages or destroys a tree or that results in cutting of trees.**

<https://www.wildlife.state.nh.us/landshare/hunters-guide.html>

Under RSA 212:34, a landowner owes "no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping" or other recreational uses.

But there are some exceptions. A landowner has a duty to warn about any dangerous conditions or use that may exist.

Let's say you have a large old well on your land, and you don't take precautions to warn people about it. A hunter comes by and falls in the well, suffering serious injuries. You could be liable - and could pay civil damages - for not providing warnings or other safeguards about the hazard.

Another exception is for landowners who charge admission to people to use their land for hunting or other activities.

**If there is something dangerous on my property and I guard the area off, post signs, or verbally tell a recreational user about it, am I assuming liability?**

No, any warning given by a landowner, whether oral, sign, guard, or other means, shall not be the basis of liability for a claim that the warning was inadequate or insufficient. The exception is if the landowner maliciously fails to warn against the dangerous condition.

<https://www.wildlife.state.nh.us/landshare/landowner-rights.html>

