



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
OFFICE OF THE COMMISSIONER

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February 6, 2019

The Honorable Suzanne Smith
and the Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 296 relative to animal waste cleanup in state forests and state parks.


Dear Chair Smith and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources regarding HB 296 relative to animal waste cleanup in state forests and state parks. The Department opposes this legislation as we believe that the removal of animal waste is adequately covered in the Department's administrative rules for State Reservations (RSA 227-G:2, XVI).

In 2013, the Department conducted an extensive public process when it updated its administrative rules (Res 7300 and Res 7800), including rules related to dog and horse waste (Res 7301.08). We worked extensively with equestrian community in particular to create rules that were reasonable for all of our visitors. We have not received any information or any feedback from our staff managing state reservations that would indicate that our existing rules are not adequate. Please refer to the summary of pertinent rules related to animal waste, attached.

Thank you for the opportunity to testify on HB 296. Please let me know if I can answer questions or provide any additional information.

Sincerely,


Philip A. Bryce, Director
Division of Parks and Recreation


Brad W. Simpkins, Director
Division of Forests and Lands

Cc: Sarah L. Stewart, Commissioner

Attachment – *“Summary of DNCR Administrative Rules on Animal Waste”*

PAB&BWS/ttl

Summary of DNCR Administrative Rules on Animal Waste
(compiled for HB 296, 2019 Session)

CHAPTER Res 7300 PARKS AND RECREATION

PART Res 7301 RULES RELATING TO ALL PARKS AND [DNCR] PROPERTIES

Res 7301.08 Animals.

(a) For purposes of this section, “animal” means any domestic animal kept for pleasure, comfort or both rather than utility, including but not limited to dogs and cats, and animals traditionally associated with agriculture such as cattle, sheep, goats, llamas and alpacas, or swine, and wildlife raised in captivity, but excluding equines and animals used for utility covered in Res 7301.09. ...

(l) Animal owners, including owners of service animals, shall clean up and remove offsite any waste eliminated by their animal or animals from public traffic areas, including all trails, multi-use trails, walkways, sidewalks, play areas, play fields, lawns, campgrounds, beaches, and parking lots.

Res 7301.09 Equine and Other Animals Used for Utility.

(a) This section shall apply to equine and other animals used for utility such as riding, driving, or transportation of persons, property or goods, and including but not limited to animals traditionally associated with utility such as equines, cattle, goats, and llamas, but excluding animals kept for pleasure or comfort covered in Res 7301.08. ...

(i) Owners shall clean up and remove offsite within a reasonable time but prior to leaving the site all waste eliminated by their equine or other utility animal from public traffic areas and areas where the public congregates. These areas are defined as paved sidewalks and walkways, maintained play areas and athletic fields, lawns and fields maintained by regular mowing and associated with a developed recreation area, campsites, fresh water beaches, areas above the high tide mark at Hampton Beach, improved features such as picnic areas, staging and gathering areas, and parking lots and trail heads.

(j) Owners shall with reasonable effort remove off and scatter all waste eliminated by their animal from remote scenic overlooks, vistas and picnic areas.

(k) When required by posting, owners shall with reasonable effort remove off and scatter all waste eliminated by their animal from trails and unimproved walkways.

CHAPTER Res 7800 ADMINISTRATIVE FINES PERTAINING TO VIOLATIONS OF
RECREATIONAL USE RULES

PART Res 7801 FINES RELATING TO ALL PARKS AND [DNCR] PROPERTIES

Res 7802.04 Administrative Fine Amounts.

(a) The Tier 1 administrative fine amounts shall be \$25.00 for the first offense, \$50 for a second offense, \$100 for a third offense, and \$250 for each subsequent offense for violation of the following rules:

Table 7802-1 Administrative Rules with Tier 1 Fines

RULE	SUBJECT
Res 7301.08	relative to animals, except for: (1) Violations occurring at seacoast beaches, which shall be charged under Tier 2 (2) Violations occurring at Monadnock state park, which shall be charged under Tier 3
Res 7301.09	relative to equine and other animals used for utility

(b) The Tier 2 administrative fine amounts shall be \$50.00 for the first offense, \$100 for a second offense, \$250 for each subsequent offense for violation of the following rules:

Table 7802-2 Administrative Rules with Tier 2 Fines

RULE	SUBJECT
Res 7301.08	relative to animals, violations occurring at seacoast beaches

(c) The Tier 3 administrative fine amounts shall be \$100.00 for the first offense, and \$250 for each subsequent offense, for violation of the following rules:

Table 7802-3 Administrative Rules with Tier 3 Fines

RULE	SUBJECT
Res 7301.08(g)(1)	relative to violations occurring at Monadnock state park