

Excerpts from Department of Resources and Economic Development Administrative Rules
1-29-14

Final proposal, 01/02/14 (replaces Initial Proposal, 07/26/13)

Tentatively scheduled for JLCAR hearing on Feb. 7, 2014

Readopt with amendment Res 7301.08, effective 1-1-06 (Document #8532), to read as follows:

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.

(b) Service animals, including animals used for detection and search and rescue training and operations, shall be exempt from all prohibitions in this section unless stated otherwise.

(c) Animals shall be permitted on a DRED property unless temporarily prohibited or restricted to public use by posting under Res 7301.07, or prohibited or restricted to animals under:

(1) Res 7301.08 (d), where animals shall be permitted only in certain areas during the operating season;

(2) Res 7301.08 (e), where animals shall be prohibited in certain areas during the operating season;

(3) Res 7301.08 (f), where animals shall be permitted where normally prohibited under (d) and (e) after seasonal property closings and prior to seasonal property openings, except for certain restrictions at Hampton Beach state park; or

(4) Res 7301.08 (g), where animals shall be prohibited year round.

(d) In accordance with (e) and (g) herein, during the operating season animals shall be permitted on DRED properties except at DRED properties listed below where animals shall be permitted only in the following areas:

(1) In Bear Brook state park, at the campground and hiking trails only;

(2) In Crawford Notch state park, at the campground, park hiking trails and the designated dog walk area at the Willey site only;

(3) In Franconia Notch state park, at the designated dog walk area and on hiking trails only, but not ski trails;

(4) In Greenfield state park, at the campground and on hiking trails only;

(5) In Mollidgewock state park, at the campground only;

(6) In Moose Brook state park, at the campground and on hiking trails only;

- (7) In Mount Washington state park, at designated areas only;
- (8) In Umbagog state park, at base camp and designated remote campsites only; and
- (9) In Wellington state park, at the access area of the state boat launch and at the hiker parking area and trails on the west side of West Shore Road only.

(e) In accordance with (d) and (g) herein, during the operating season where animals are otherwise permitted, animals shall be prohibited in the following areas:

- (1) At state park coastal beaches, including Rye Harbor also known as “Ragged Neck;”
- (2) At state park freshwater beaches and designated swim areas;
- (3) At established state park picnic shelters, picnic areas, pavilions, and group use areas;
- (4) At the beach at Fort Stark historic site;
- (5) In Echo Lake state park, at the beach, picnic area or on the lake perimeter hiking trail;
- (6) At Ellacoya state park;
- (7) In Mount Sunapee state park, at the beach, and at the main park and ski area, during the annual arts and crafts festival;
- (8) In Pawtuckaway state park, at the beach and at the campground;
- (9) In White Lake state park, at the beach and at the campground, picnic areas, beaches, and near park facilities.

(f) After seasonal property closings and prior to seasonal property openings, animals shall be permitted on DRED properties unless otherwise posted or prohibited year-round under Res 7301.08 (g), except:

(1) In Hampton Beach state park along Ocean Boulevard and Hampton Beach South, animals shall be permitted only from October 1 through April 30. The provisions of Res 7301.08 (k) through (m) shall remain in full force.

a. The department shall prohibit animals in Hampton Beach state park where animals are permitted when the department determines there is a lack of compliance to this section by animal owners or the department determines it is necessary under Res 7301.07.

(g) Animals shall be prohibited year round on the following DRED properties:

- (1) At Monadnock state park;
- (2) At North Hampton state beach;
- (3) At Odiorne state park; and

(4) At Rhododendron state park, except at the parking area and the section of Rhododendron loop which is not posted as prohibited which provides trail access to and on Little Monadnock Mountain trail.

(h) Dogs used for hunting or search and rescue shall be permitted on DRED properties off leash and under the control of their handlers in accordance with RSA 466:30-a, during hunting season or while active in search and rescue unless animals are prohibited year-round under Res 7301.08 (g), search and rescue operations excepted. Dogs used for hunting shall be on a not greater than 6-foot length leash in areas where the public congregates, such as parking and trailhead areas, picnic areas, and while on established hiking trails. While on DRED properties, dogs in training for hunting shall be subject to the provisions related to such activity under RSA 207:12-a and Fis 902.04.

(i) Except for (g) and (h) above, in remote areas dogs shall be permitted off leash and under the control of their handlers in accordance with RSA 466:30-a provided that the dog is not or does not become a menace, a nuisance or vicious as defined in RSA 466:31, under which the owner or handler shall restrain, leash and remove the dog from the property. For purposes of this section, remote area means those areas and trails where and during a time when the dog owner or handler and the dog will not come in contact with other users. The dog owner or handler shall leash the dog when other users are present.

(j) Sled dog teams shall be permitted on DRED property roadways, parking areas and multi-use trails when posted as an allowable use.

(k) Except for (h) above, every animal, including service animals, shall be on a not greater than 6-foot length standard or retractable leash or lead, under the control of their handlers, and shall not be left unattended at any time or place, including in any campsite, vehicle, camper, recreational vehicle, carrier or enclosure at any time while on DRED properties.

(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.

(m) If an animal, including a service animal, becomes objectionable to other patrons or other animals, or causes or acts in a manner that might cause or contribute to damage or hazard to patrons, property or park resources, or is a dog considered to be a menace, nuisance or vicious in accordance with RSA 466:31, as determined by the authorized DRED personnel, the owner of the animal shall immediately remove the animal from the DRED property at the request of the authorized DRED personnel.

Readopt with amendment Res 7301.09, effective 1-1-06 (Document #8532), to read as follows:

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.

(b) Service animals, as defined in Res 7301.02, shall be exempt from the prohibitions in this section unless stated otherwise.

(c) The use of equines or other utility animals shall be permitted on all roads and other established trails, unless prohibited or restricted in certain areas as identified under (d) through (g) herein, or unless closed or restricted to public use by posting under Res 7301.07.

(d) In accordance with (c) above, equines and other utility animals shall be prohibited within or upon the following areas where the public congregates or where there is the need to protect developed or improved facilities or natural resources, unless permission has been granted by special use permit pursuant to Res 7400 or other written agreement, or by a property management plan, or by posting:

- (1) Lawns and fields maintained by regular mowing and associated with a developed recreation area;
- (2) Picnic areas;
- (3) Pavilions and group use areas;
- (4) Playgrounds, play areas and athletic fields;
- (5) Areas around bathhouses and toilet buildings;
- (6) Areas around park stores;
- (7) Campgrounds;
- (8) Geologic features, such as but not limited to exposed rockface and glacial erratics;
and
- (9) Beaches, except for (e) below at the location and during the dates specified.

(e) For coastal beaches after seasonal property closings and prior to seasonal park openings, equines shall be permitted at Hampton Beach, from Hampton Beach South to Boar's Head, from October 1 through April 30, and the parking of animal trailers and vehicles towing animal trailers shall be permitted at the Hampton Beach South parking lot only.

(f) Equines and other utility animals shall be prohibited year round in the following DRED properties, unless permission has been granted by special use permit pursuant to Res 7400 or other written agreement or unless allowed in certain areas by posting:

- (1) At all state historic sites under the jurisdiction of the department's bureau of historic sites;
- (2) At Connecticut Lakes Headwaters Tract, except as permitted in accordance with the public recreation management plan;
- (3) At the Cotton Valley Rail Trail;
- (4) At Crawford Notch state park;
- (5) At Echo Lake state park;

- (6) At Franconia Notch state park;
- (7) At Miller state park;
- (8) At Monadnock state park;
- (9) At Mount Washington state park;
- (10) At Ossipee natural area;
- (11) At Rhododendron state park;
- (12) At Rollins state park; and
- (13) At Winslow state park.

(g) Driving of any equine- or other utility animal-drawn vehicle shall be permitted on DRED property roadways, parking areas and trails when posted as an allowable use.

(h) Every animal, including service animals, shall be on rein or lead under the control of their handlers, and shall not be left unattended at any time or place while on DRED properties.

(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.

(l) Disposal of stall waste, hay or manure shall not be permitted on DRED properties, unless permission has been granted by special use permit pursuant to Res 7400 or other written agreement.

(m) If an equine or other utility animal, including a service animal, causes or acts in a manner that might cause or contribute to damage or hazard to patrons, property or park resources, as determined by the authorized DRED personnel, the owner of the animal shall immediately remove the animal from the DRED property at the request of the authorized DRED personnel.

Initial proposal, 07/26/13

Readopt with amendment Res 7301.08, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.08 Animals.

(a) Large domesticated animals traditionally associated with agriculture including but not limited to, cattle, sheep, goats or swine, and wildlife raised in captivity shall not be permitted [in state parks] on DRED properties unless otherwise stated in this section or if permission has been granted by special use permit pursuant to Res [7306] 7400.

(b) Service animals, including animals used for detection and search and rescue training and operations, shall be exempt from all prohibitions in this section.

(c) [Each] Every animal, including service animals, shall be on a not greater than six-foot length standard or retractable leash, under the control of their handlers, and shall not be left unattended at any time or place, including in any campsite, vehicle, camper, recreational vehicle, carrier or enclosure at any time while [in a state park] on DRED properties.

(d) Animal owners, including owners of service animals, shall clean up waste eliminated by their animal or animals from public traffic areas, [such as] including all trails, multi-use trails, and walkways[,]; play areas and lawns and fields[,]; campgrounds[,]; beaches; and parking lots.

(e) [Animals shall be permitted in areas prohibited in this section after seasonal park closings and prior to seasonal park openings, unless otherwise posted] If an animal, including a service animal, becomes objectionable to other patrons or other animals, or causes or acts in a manner that might cause or contribute to damage or hazard to patrons, property or park resources, the owner of the animal shall immediately remove the animal from the DRED property.

(f) Animals shall be [permitted on] prohibited year round on the following DRED properties [except as listed in this section]:

(1) [Animals shall not be permitted at state coastal and freshwater beaches, established picnic shelters, and historic sites] At Monadnock state park;

(2) [In Bear Brook, animals shall not be permitted except at the campground and hiking trails] At North Hampton state beach;

(3) [In Chesterfield Gorge, animals shall not be permitted except at the designated dog walk area] At Odiorne state park; and

(4) [In Crawford Notch, animals shall not be permitted except at the campground and the designated dog walk area at the Willey site;] At Rhododendron state park, except at the parking area and the section of Rhododendron loop which is not posted as prohibited which provides trail access to and on Little Monadnock Mountain trail.

[(5) In Franconia Notch, animals shall not be permitted except at the designated dog walk area;

(6) In Greenfield, animals shall not be permitted except at designated sections of the campground;

- (7) In Monadnock, animals shall not be permitted year round;
- (8) In Mount Sunapee, animals shall not be permitted except at the campground. During the arts and crafts festival, pets shall not be permitted at the main park and ski area;
- (9) In Odiorne, animals shall not be permitted year round;
- (10) In Pawtuckaway, animals shall not be permitted at the campground;
- (11) In Rhododendron, animals shall not be permitted except at the parking area and trail access to and on Little Monadnock Mountain trail;
- (12) In Wellington, animals shall not be permitted except at the access area at the state boat launch; and
- (13) In White Lake, animals shall not be permitted.]

(g) Except for Res 7301.08 (f), during the operating season animals shall be prohibited in the following areas:

- (1) At state park coastal beaches, including Rye Harbor also known as “Ragged Neck”;
- (2) At state park freshwater beaches and designated swim areas;
- (3) At established state park picnic shelters, picnic areas, pavilions, and group use areas;
- (4) At state historic sites, Hannah Duston Memorial and Taylor Mill excepted;
- (5) In Echo Lake state park: at the beach, picnic area or on the lake perimeter hiking trail;
- (6) At Ellacoya state park;
- (7) In Mount Sunapee state park: at the beach, and at the main park and ski area, during the annual arts and crafts festival;
- (8) In Pawtuckaway state park: at the beach and at the campground;
- (9) In White Lake state park: at the beach and at the campground, picnic areas, beaches, and near park facilities.

(h) Except for Res 7301.08 (f) and (g), during the operating season animals shall be permitted on DRED properties except at DRED properties listed below where animals shall be permitted only in the following areas:

- (1) In Bear Brook state park: at the campground and hiking trails only;
- (2) In Crawford Notch state park: at the campground, park hiking trails, and the designated dog walk area at the Willey site only;
- (3) In Franconia Notch state park: at the designated dog walk area and on hiking (not ski) trails only;

(4) In Greenfield state park: at designated sections of the campground only;

(5) In Mollidgewock state park: at the campground only;

(6) In Moose Brook state park: at the campground and on hiking trails only;

(7) In Mount Washington state park: at designated areas only;

(8) In Umbagog state park: at base camp and designated remote campsites only; and

(9) In Wellington state park: at the access area of the state boat launch only.

(i) If a DRED property is not prohibited or restricted to animals under Res 7301.08 (f), (g), (h), or (j)(1), animals shall be permitted unless temporarily prohibited by posting.

(j) After seasonal property closings and prior to seasonal property openings, animals shall be permitted on DRED properties unless otherwise posted or prohibited year-round under Res 7301.08 (f).

(1) In Hampton Beach state park and Hampton Beach South, animals shall be permitted only from October 1 through April 30. The provisions of Res 7301.08 (c) through (e) shall remain in full force under this provision.

[(g)] (k) Dogs used for hunting shall be permitted [in park areas] on DRED properties off leash and under the control of their handlers during hunting season unless animals are [not permitted in the park year round] prohibited year-round under Res 7301.08 (f). Dogs used for hunting shall be on a not greater than six-foot length leash in areas where the public congregates, such as parking and trailhead areas, picnic areas, and while on established hiking trails.

[(h)] (l) Sled dog teams shall be permitted on [park roads] DRED property roadways, parking areas and multi-use trails when posted as an allowable use.

[(i) If an animal becomes objectionable to other park patrons, the owner of the animal shall remove the animal from the park.]

(m) The department may prohibit animals in areas where animals are permitted when the department determines there is a lack of compliance to this section by animal owners, or there is concern for public health and safety or resource protection.

(n) The prohibitions in this section shall not apply to DRED employees and staff working in remote areas on DRED properties.

Readopt with amendment Res 7301.09, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.09 Horses and Other Work Animals.

(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 [in state parks] on DRED properties [except at designated areas] other than as permitted herein.

[(b)](1) For coastal beaches, horses shall be permitted at Hampton Beach, from Hampton Beach South to Boar's Head only, from October 1 through April 30.

a. The parking of horse trailers and vehicles towing horse trailers shall be permitted at the Hampton Beach South parking lot only.

[(d)](2) Horseback riding shall be permitted on all road-width[, blazed] 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.

[(e)](3) Driving of any horse- or other work animal-drawn vehicle shall not be permitted, unless permission has been granted by special use permit pursuant to Res [7306]7400.

[(c)](b) Disposal of stall hay or manure shall not be permitted on DRED properties.

[(d)] Horseback riding shall be permitted on all road-width, blazed trails unless closed by posting.]

[(e)] Driving of any animal-drawn vehicle shall not be permitted, unless permission has been granted by special use permit pursuant to Res 7306.]

(c) Owners shall clean up all waste eliminated by their horse(s) or other work animal from public traffic areas, including all trails, multiuse trails and walkways, play areas and lawns and fields, campgrounds, beaches, and parking lots on DRED properties.

(d) The department may prohibit horses and other work animals in areas where such animals are permitted when the department determines there is a lack of compliance to this section by animal owners, or there is concern for public health and safety or resource protection.

Current rules, effective 1-1-06 through 1-1-2014

Res 7301.08 Animals.

(a) Large domesticated animals traditionally associated with agriculture including but not limited to, cattle, sheep or swine, and wildlife raised in captivity shall not be permitted in state parks unless otherwise stated in this section or if permission has been granted by special use permit pursuant to Res 7306.

(b) Service animals shall be exempt from all prohibitions in this section.

(c) Each animal shall be on a leash, under the control of their handlers, and shall not be left unattended in any vehicle, camper, carrier or enclosure at any time while in a state park.

(d) Animal owners shall clean up waste eliminated by their animal or animals from public traffic areas, such as trails and walkways, play areas and fields, campgrounds, and parking lots.

(e) Animals shall be permitted in areas prohibited in this section after seasonal park closings and prior to seasonal park openings, unless otherwise posted.

(f) Animals shall be permitted on DRED properties except as listed in this section:

(1) Animals shall not be permitted at state coastal and freshwater beaches, established picnic shelters, and historic sites;

(2) In Bear Brook, animals shall not be permitted except at the campground and hiking trails;

(3) In Chesterfield Gorge, animals shall not be permitted except at the designated dog walk area;

(4) In Crawford Notch, animals shall not be permitted except at the campground and the designated dog walk area at the Willey site;

(5) In Franconia Notch, animals shall not be permitted except at the designated dog walk area;

(6) In Greenfield, animals shall not be permitted except at designated sections of the campground;

(7) In Monadnock, animals shall not be permitted year round;

(8) In Mount Sunapee, animals shall not be permitted except at the campground. During the arts and crafts festival, pets shall not be permitted at the main park and ski area;

(9) In Odiorne, animals shall not be permitted year round;

(10) In Pawtuckaway, animals shall not be permitted at the campground;

(11) In Rhododendron, animals shall not be permitted except at the parking area and trail access to and on Little Monadnock Mountain trail;

(12) In Wellington, animals shall not be permitted except at the access area at the state boat launch; and

(13) In White Lake, animals shall not be permitted.

(g) Dogs used for hunting shall be permitted in park areas off leash and under the control of their handlers during hunting season unless animals are not permitted in the park year round. Dogs used for hunting shall be on a leash in areas where the public congregates, such as parking and trailhead areas, picnic areas, and while on established hiking trails.

(h) Sled dog teams shall be permitted on park roads, parking areas and multi-use trails when posted as an allowable use.

(i) If an animal becomes objectionable to other park patrons, the owner of the animal shall remove the animal from the park.

Source. #6167 eff 1-18-96, EXPIRED: 1-18-04

New. #8127, INTERIM, eff 7-27-04, EXPIRED: 1-23-05

New. #8532, eff 1-1-06 (from Res 7301.10)

Res 7301.09 Horses and Other Animals.

(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.

(b) Horses shall be permitted at Hampton Beach from October 1 through April 30.

(c) Disposal of stall hay or manure shall not be permitted on DRED properties.

(d) Horseback riding shall be permitted on all road-width, blazed trails unless closed by posting.

(e) Driving of any animal-drawn vehicle shall not be permitted, unless permission has been granted by special use permit pursuant to Res 7306.

Source. #6167 eff 1-18-96, EXPIRED: 1-18-04

New. #8127, INERIM, eff 7-27-04, EXPIRED: 1-23-05

New. #8532, eff 1-1-06

Interim rules, effective 7-27-04 through 1-23-05

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

Source. #6167 eff 1-18-96, EXPIRED: 1-18-04

New. #8127, eff 7-27-04, EXPIRES: 1-23-05

Previous rules, effective 1-18-96 through 1-17-2004

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