



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of PARKS and RECREATION
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February 12, 2019

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

RE: HB 512 relative to dogs on hiking trails in state parks and state forests.

Dear Chair Smith and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources regarding **HB 512 relative to dogs on hiking trails in state parks and state forests**. The department **opposes this bill** because of issues regarding enforcement, removal of dog waste, jurisdiction of the department, and visitor safety and experience.

First, we believe that this law would be unenforceable. How do you determine if a dog is under the verbal control of its owner? We are concerned that the only time that the lack of control would be verified would be after an incident where the dog did not respond to the owner's command to stop what the dog was doing. Incidents could include the dog's interaction with other visitors or with other dogs.

Secondly, is the issue of dog waste. When a dog is on a leash, the owner has direct control of the dog at all times and can clean up the dog's waste on the trail. This is the basis of our current rules regarding dog waste. We remain concerned over the accumulation of dog waste along trails even though it may not be directly in the trail.

Lands under the jurisdiction of the department includes conservation easement lands where the state holds the rights to grant public access but the land remains held by a private landowner. The private landowner may not wish to have dogs off leash on their property. This is also the case with the Statewide Trail System under RSA-F:2. Many of these trails cross lands that are not under the ownership of the state; and the private landowner determines whether and how dogs are allowed on their property.

While the experience of a dog owner and their dog may be enhanced under this legislation, we believe that this would degrade the overall experience and even the safety of other visitors and their dogs. Not everyone is comfortable around dogs and children in particular may be intimidated by them. A dog off leash is free to engage with other visitors and their dogs. We believe that it is an unreasonable expectation that dogs off leash are not going to engage with other visitors and dogs on hiking trails. We believe there is a significant safety issue that would result from interaction between unleashed dogs and motorized vehicles or equestrian use.

February 12, 2019

Suzanne Smith, Chair, Resources, Recreation and Development Committee

Page 2

We appreciate that the legislation recognizes that we have areas where dogs are prohibited. There are a number of park sites such as Monadnock and the Flume where dogs are not appropriate. However, this legislation may increase the locations where we do not permit dogs because they are no longer on a leash. This would include private lands in the statewide trail system and intensely used locations like the Urban Forestry Center in Portsmouth and Shieling Forest in Peterborough. The legislation is unclear if this just applies to trails or to other areas on department lands like campgrounds, parking lots and day use picnic areas where we could continue to require that dogs be leashed.

Lastly, our rules currently do allow for dogs to be off leash in remote areas under Res 7301.08 Animals:

“(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.”

Attached are the complete administrative rules pertaining to dogs. Thank you for the opportunity to testify on **HB 512**. Please let me know if I can answer questions or provide any additional information.

Sincerely,



Philip A. Bryce, Director

Cc: Sarah L. Stewart, Commissioner
Brad W. Simpkins, Director, Division of Forests and Lands

Attachment: DNCR administrative rules, Res 7301.08 Animals & Res 7800 Fines

CHAPTER Res 7300 PARKS AND RECREATION

Statutory Authority: RSA 12-A:2-c, I, II, III and IV, RSA 215-A:3-b, I, RSA 215-C:3-a, I, and RSA 227-G:4, I.

PART Res 7301 RULES RELATING TO ALL PARKS AND DRED 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.

(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;

HB 512, 2019 Session – relative to dogs on hiking trails in state parks and state forests.
Attachment: DNCR administrative rules, Res 7301.08 Animals & Res 7800 Fines

- (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; and
- (2) 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.

HB 512, 2019 Session – relative to dogs on hiking trails in state parks and state forests.
Attachment: DNCR administrative rules, Res 7301.08 Animals & Res 7800 Fines

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

Statutory Authority: RSA 12-A:2-c, I, II, III and IV; RSA 215-A:3-b, I; RSA 215-C:3-a, I; and RSA 227-G:4, V.

PART Res 7801 FINES RELATING TO ALL PARKS AND DRED 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

(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