First, the department would like to extend its appreciation to the many members of the public, businesses, municipal and agency partners and legislators who attended public hearings, provided written comment, and participated in additional meetings. The time that has been spent by citizens in the state has been very important in: helping the agency understand key issues and concerns; making much needed improvements to the rules that are in effect today; and, providing the basis for stronger partnerships going forward.

The department held the following public hearings on its proposed rules:
- 10/01/13 Public hearing at DRED, Concord
- 10/01/13 Public hearing at Plymouth University, Plymouth
- 10/03/13 Public hearing at Peterborough Town Library
- 10/08/13 Public hearing at North Country Resource Center, Lancaster
- 10/10/13 Public hearing at Hampton Beach Seashell, Hampton

The department also held the additional public meetings on its proposed rules:
- 10/07/13 Public meeting with Equestrian Community, Fish & Game, Concord
- 12/09/13 Public information session at DRED, Concord
- 12/10/13 Public information session at Audubon McLane Center, Concord

The purposes of the department’s administrative rules are to:
1. Protect the public resources that the agency is responsible for, including natural, historic and cultural resources, property improvements and facilities;
2. Protect visitor health and safety, as well as the visitor experience; and
3. Promote fairness and consistency in authorizing the use of these public resources.

Rules are being filed for the following reasons:
1. Readopt rules that expire in 2014;
2. Make permanent expired emergency rules related to alcohol and hunting;
3. Implement changes to state law, particularly the application of administrative fines;
4. Amend the rules to apply to all 234 state properties under DRED’s jurisdiction, not just to developed state park sites, to ensure consistent management;
5. Update the existing rules to incorporate new expectations for public use;
6. Provide more detail and clarify requirements in rules where it has been unclear; and
7. Strengthen rules related to public health and safety for protection of individuals, resources and the environment.

The final proposed rules are based upon:
1. Primarily, the re-adoption of expiring administrative rules;
2. Agency experience gained from managing state properties over the last 8 years, when the rules were last adopted;
3. Legal decisions and statutory changes regarding the use of public lands;
4. Updated policies of other state and federal land management agencies;
5. Input from other state agencies;
6. Meetings with partners, such as the NH Parks and Recreation Association;
7. Public comment received;
8. Meetings with individual constituent groups; and
9. Comments from the JLCAR attorney.

The following highlights some specific issues related to the rules where the department has received the most public comments and has worked to rewrite the initial proposal to reflect citizen input and concerns while continuing to achieve the purposes stated above. A direct comparison would need to be made between the current rules, the initial proposal and the final proposal to understand all changes. In general, the agency believes that overall, the rules are less restrictive on public use than the rules in force today.

**Equine Users**
The department has worked with representatives of the equestrian community to develop rules that allow for greater access to DRED properties than is allowed in current rule. The existing rule, which has been in effect for several years, limits equestrian use to designated areas and road-width trails.

What we heard during the public comment period was the importance of equestrian use as a way to experience the outdoors, its relatively minimal impact on the environment and to other users, and the positive economic impact this recreational activity has on the State’s economy.
Under the new rule, equestrian use would no longer need to be posted as a permitted use for that location but instead is now a permitted use unless prohibited on specific properties, such as Monadnock and Franconia Notch, or prohibited within specific areas, such as maintained lawns and campgrounds. With that said, the rules still provide for equestrian use to occur in otherwise prohibited areas if it is posted as an allowed use, or by other agreement, such as a special use permit.

With regard to manure, everyone agreed on the need to remove manure from areas where the public congregates, such as trailheads, parking lots, etc., however we heard that dismounting the horse and cleaning up manure while on trails could create a safety hazard to the horse, rider and even to other visitors. Therefore, we have removed that requirement from rule, but look to equestrians to voluntarily scatter manure off trails if able and when it is safe to do so.

Carriage driving, unlike horseback riding, is currently not an allowed use on DRED properties today. It requires a special use permit. The new rule would take the major step of making carriage driving an allowed use. Carriage use will be permitted on roadways, parking areas and trails where posted as an allowable use similar to the way the horseback riding is handled through the rules in force today.

**Dogs**

Based upon current demand, the agency would like to give dogs a try in the off-season at Hampton Beach only. There is extensive use now and off season use is permitted on other beaches in the NE region. We will require that dogs remain on leash and that owners pick-up after their dogs. We will be enforcing these rules and issuing fines for lack of compliance. By allowing this use, we ask dog owners to do their part through self-policing to help ensure compliance. If this still doesn’t work the rules allow us to go back to prohibiting dogs on the beach.

In addition, dogs will be permitted to run off leash under the control of their owners in remote locations.

**Geocaching**

We sought to strike a balance between those who enjoy this activity and provided comments, with the concerns expressed by field staff. We ask that cache placement be coordinated with the field staff to dutifully protect resources and manage public use, and we provided guidelines for the use of certain containers.
Ocean Fishing
We revised the initial proposal to enable fishing at all seacoast properties except on the beaches where and when lifeguards are on duty. However permission to fish may still be granted by DRED staff during these times when there are so few visitors on the beach so as to support safe casting.

Target shooting
The rules provide guidelines and criteria for target shooting. We seek to allow responsible use for this activity while incorporating parameters for public safety, enjoyment of the developed park sites, and resource protection.

Hunting
Hunting will be restricted within 300 feet of occupied developed recreation areas and facilities, but no longer restricted along the many miles of roads and trails that cross state forests and parks. This continues to be more restrictive than NH Fish and Game rules, but more closely reflects hunting practices held by other private and public landowners.

Group use
The adult to child ratios and the advance notification period for group use have been changed to be more accommodating for municipal recreation programs.

Parking violations
The rules will enable the agency to boot or tow vehicles that have multiple unpaid parking violations at the seacoast parking lots.

Livermore Falls
Alcohol possession and consumption will be prohibited at Livermore Falls where alcohol abuse has put an extraordinary burden on local law enforcement.

High Elevation Wildlife Habitat Protection
Specifically prohibits the cutting of unauthorized ski trails within the wildlife habitat zone under agreement with the US Forest Service and Audubon Society in Franconia Notch State Park.

Special Use Permits and Group Reservations (Res 7400)
The reasons for requiring a special use permit have not changed from what is in effect and applied today. The final proposal spells out more clearly when a permit is required. We have more clearly defined when a special use permit is required, such as for all commercial activities, including guiding services,
activities where the public is invited, and activities that are beyond routine recreational use will continue to require a permit, as is required today.

When a permit is not required is also spelled out more clearly. An exception to a special use permit is provided for events or activities solely for the expression of views. Fishing guides using public boat access facilities on department lands that are managed by NH Fish and Game under agreement with DRED, will not need a special use permit when such facilities are used for the sole purpose of accessing the body of water.

A group reservation process has been established in rule that will allow groups to reserve facilities for private parties without having to pay an administrative fee or have liability insurance (unless third-party vendors are involved). To eliminate confusion, we removed licensing included the initial proposal.

Fines Schedule (Res 7800)
An administrative fine schedule is now in place allowing the agency to assess fines for violations rather than having to charge a violator with a misdemeanor.

Next Steps:
1. DRED anticipates going before JLCAR (Joint Legislative Committee on Administrative Rules) on January 17, 2014, unless scheduled for February 7th.
2. JLCAR meetings are public, but it is not a replacement for the public hearing and public involvement process conducted by the department.
3. JLCAR may approve, conditionally approve or object to DRED’s final proposals on rules, upon which DRED will respond.
4. The rules, when adopted, will remain in effect for 10 years, but can be amended by the department at any time. Rule amendments require public involvement, including a public hearing.

Pab 1/13/14