

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

Readopt Res 7301.01, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.01 Applicability. The provisions of Res 7301 shall apply to all department of resources and economic development (DRED) properties listed in Res 101.06.

Readopt with amendments Res 7301.02 through Res 7301.07, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.02 Definitions.

(a) “Animal” means any domestic animal kept for pleasure, comfort or both rather than utility.

(b) “Authorized DRED personnel” means the commissioner[, director, supervisor of park operations, park manager, or regional supervisor], the director of forests and lands, the director of parks and recreation, the department land agent, the bureau administrator or chief; the park, trails or forest regional supervisor, the park, trails or forest supervisor, the park or forest manager, the forest ranger, the forest technician, the forest patrol or forester, the ski patrol and ski lift attendants, and the Hampton Beach state park lifeguards and chief state park patrol authorized to make decisions on behalf of the [division of parks and recreation] department.

(c) “Bureau administrator” or “bureau chief” means the bureau of historic sites supervisor, the bureau of parks supervisor of park operations, the bureau of trails chief, the forest management bureau administrator, the forest protection bureau chief, the land management bureau administrator, and the natural heritage bureau administrator, or any job title used to identify the specified positions herein.

[(c)](d) “Commissioner” means the commissioner of the department of resources and economic development.

[(d)](e) “Director” means the director of the division of forests and lands acting in accordance with the duties set forth in RSA 227-G:3, and the director of the division of parks and recreation acting in accordance with the duties set forth in RSA 216-A:2.

[(e)](f) “Motor vehicle” means “motor vehicle” as defined in RSA 259:60, I, namely “except where otherwise specified in this title, any self-propelled vehicle not operated exclusively on stationary tracks, including ski area vehicles.”

[(f)](g) “Operating hours” means the times [during a day] when most park and support facilities are open for public use [and service charge, fee, or both is collected applicable].

[(g)](h) “Operating season” means a period of the year when [most] a park facility is [facilities are] open for public use and a day-use fee, service charge, parking fee, or [both] any other fee is collected or required where applicable.

[(h)](i) “Park or trails manager or forester” means the manager of a park, trails, forest or

recreation area of the [division of parks and recreation] department.

[(i)](j) “Regional supervisor” means the supervisor responsible for the management of multiple department properties or property interests throughout a geographical region, including parks, trails, forests, and easements[of a region of parks or recreation area of the division of parks and recreation].

[(j)](k) “Service animal” means any [guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling wheelchair, or fetching dropped items] animal (1) which serves a mobility impaired person or a person with a seizure disorder diagnosed by a physician; or (2) which has been trained to perform typical search and rescue operations and is certified by a competent authority or holds a title from a competent authority or organization recognized by the office of the governor, department of safety, department of fish and game, or the federal emergency management agency or its successor, as defined in RSA 167-D:1 as amended, or (3) as categorized by the governor’s commission on disability as a service or guide dog or animal.

(l) “State park” and “park” means those DRED properties under jurisdiction of the director of parks and recreation pursuant to RSA 216-A:1 and 216-A:2.

[(k)](m) [“Supervisor of park operations” means the supervisor of park operations of the division of parks and recreation] “Volunteer coordinator” means a person(s) designated to administer the adopt-a-fire tower, the adopt-a-state park, and/or the adopt-a-trail programs.

[(n) “Youth groups” means groups of children up to high school age that are a part of a community organization including but not limited to, boy scouts, girl scouts, 4-H, school groups, church groups, children’s camps, and community recreation programs.]

Res 7301.03 Authority of DRED Personnel. Persons shall obey all requests made by authorized DRED personnel in matters of public interest, public health and safety, or resources protection.

Res 7301.04 Violations.

(a) Any person violating any rule contained in this chapter and chapter Res 8500 shall be:

(1) Evicted from the property; and

(2) Responsible for the restoration of any defaced or destroyed property or resource; and

(3) [shall be guilty of a misdemeanor]Subject to an administrative fine pursuant to Res 7800; however,

(4) The department shall reserve the right to charge serious, subsequent, or repeat offenses, as a misdemeanor.

(b) Any person evicted from the property pursuant to (a) above, shall not receive a refund of department-related fees, including but not limited to, admission, permit, or enterprise function fee, except for a portion of camping rental fees as allowed by RSA 216-I:6.

Res 7301.05 Protection of Natural Features and Property. No person shall remove [or], damage, deface, disturb or alter any structure, plant, marine or freshwater aquatic life [or], natural feature or

property on DRED properties. No person shall introduce, abandon or leave any plant, aquatic or terrestrial life, or other foreign object or item on DRED properties without the prior written permission of the director.

Res 7301.06 Protection of Historic Resources.

(a) No person shall remove or damage any historic property or historic and cultural resource on DRED properties without the prior written permission of the director and the concurrence by the department of cultural resources, division of historical resources, pursuant to RSA 227-C:9.

(b) Removal of or damage to any historic property or historic and cultural resource shall be penalized pursuant to RSA 227-C:17, II.

Res 7301.07 Restrictions in Public Use.

(a) [State parks and recreations areas] DRED properties shall be [open] accessible for use unless closed or restricted to public access by posting and / or by public notification.

(b) [State parks and recreations areas] DRED properties shall be closed or restricted for public access by posting and /or by public notification by authorized DRED personnel if:

(1) An external subdivision of government [subdivision] requests the department to close a specific [park] DRED property at a time and for cause which the department deems reasonable;

(2) There is a need to reduce vandalism;

(3) There is a concern for public health and safety;

(4) There is any other reason to protect the natural resources, physical improvements, or other features and resources of [the park] a DRED property[.]; or

(5) There is a restriction pursuant to trail use rules in chapter Res 8500.

(c) [Park operating hours and restrictions in use shall be posted at the park.] Persons shall not enter DRED properties or portions of DRED properties that are closed or restricted to public access.

Readopt 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 on DRED properties unless otherwise stated in this section or if permission has been granted by special use permit pursuant to Res 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) 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 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, including all trails, multi-use trails, and walkways; play areas and lawns and fields; campgrounds; beaches; and parking lots.

(e) 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 prohibited year round in 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.

(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.

(k) Dogs used for hunting shall be permitted on DRED properties off leash and under the control of their handlers during hunting season unless animals are 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.

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

(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]09, 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.

Readopt with amendment Res 7301.10, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.10 Firearms.

(a) No person shall [use] discharge a firearm[s] within 300 feet of [a] developed recreation areas [or] when occupied [building, or within 300 feet of trails or roads], including parking lots, administrative and maintenance facilities, dwellings, camps, cabins and yurts, bathhouses, campgrounds, campsites, playgrounds, ball fields, beaches, pavilions, picnic areas, and boat launches, lawful use of firearms pursuant to RSA 627 excepted.

(b) Target shooting shall not be permitted, except as allowed at Nash Stream state forest and on the Connecticut Lakes Headwaters Tract in accordance with the public recreation management plan, in which such activity shall be non-commercial in nature with all targets removed daily. Any targets left shall be removed by authorized DRED personnel, for which DRED shall not be held liable or responsible for loss of property.

Readopt with amendment Res 7301.11, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.11 Hunting.

(a) Hunting shall not be permitted at [all state] Robert Frost historic site[s], the Urban Forestry Center, that portion of Odiorne Point state park located on the east side of NH route 1-A, Opechee Bay state forest and Shieling state forest.

(b) At Bear Brook, hunting in the area known as the [reservation] game refuge east of Podunk Road shall be limited to bow and arrow.

(c) Portable tree stands shall be permitted for the purpose of hunting pursuant to RSA 207:36-a, only between August 1 and January 31, provided that they are temporarily installed without driving nails or inserting other devices permanently into a tree and that they are removed without damage to any vegetation. [The tree stand shall be stamped into or attached with a durable waterproof tag with the name, address and telephone number of the user in legible form.] All tree stands left after January 31 shall be subject to removal and disposal by authorized DRED personnel, for which DRED shall not be held liable or responsible for loss or damage of such tree stands.

(d) Baiting shall not be permitted except by permit granted by the state fish and game department pursuant to the interagency agreement with the department.

Readopt Res 7301.12, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.12 Games. Ball playing, horseshoes, and other games requiring a defined playing area shall be permitted in designated areas.

Readopt with amendment Res 7301.13 through Res 7301.24, effective 1-1-06 (Document #8532), to read as follows:

Res 7301.13 Soliciting. No person shall conduct commercial activity [and], soliciting, or canvassing on DRED properties unless permission has been granted by special use permit pursuant to Res [7306]7400 or by other written agreement.

Res 7301.14 Fires.

(a) Fires shall be permitted only in places provided or designated for that purpose, or as posted, during times determined by the department.

(b) Portable grills shall be permitted, provided that the [park] DRED property or beach area has places provided or designated for use of grills and that the ash and unused charcoal are emptied only into unused fireplaces or receptacles provided for that purpose.

(c) The burning of rubbish, refuse, garbage, [T]trash, debris, or any other discarded, refuse or waste material of every kind and description [burning] shall not be permitted.

Res 7301.15 Littering and Sanitation.

(a) No person shall dispose of household or commercial rubbish, refuse, garbage, trash, debris, dead animals, sewage, or any other discarded, refuse or waste material of every kind and description on DRED properties.

[(a)](b) No person shall dispose of rubbish, refuse, garbage, trash, debris, dead animals, sewage, [trash, debris] or any other discarded, refuse or waste material of [any]every kind and description on DRED properties except in campgrounds, concession areas, and at the Hampton Seashell complex where places and receptacles are provided for such purposes as posted and where such materials are generated by allowable and permitted activities at the site.

[(b)](c) No person shall dispose of sewage or waste material of any kind from a recreation vehicle or other such vehicle on DRED properties except in campgrounds where dump stations are provided for such purposes as posted.

[(b)](d) [State parks and reservations] DRED properties shall be “carry in and carry out.” For the purposes of this rule, “carry in and carry out” means that persons visiting a [state park or recreation area] DRED property shall take all items brought with them, including any rubbish, refuse, garbage, trash, debris, or any other discarded, refuse or waste material of every kind and description generated by them [with them], upon their departure.

Res 7301.16 Motor Vehicles.

(a) Motor vehicles shall only be used on roads [and], parking areas and other designated areas as indicated and shall conform to all applicable motor vehicle laws and rules, and posted directional and advisory signs.

(b) [Abandoned] Motor vehicles left for more than 24 hours without adequate payment of parking fees or permission being given by authorized DRED personnel, shall be considered abandoned and shall be subject to towing or immobilization at the owner’s expense.

(c) Motor vehicles parked in front of any rail trail or reservation gate shall be subject to towing at the owner’s expense.

(d) Motor vehicles left on DRED properties during a restriction in public use pursuant to Res 7301.07 shall be subject to towing at the owner’s expense.

(e) Gate closures shall restrict motor vehicle access to all state park properties by the public. This restriction shall not apply to pedestrians, or to OHRV or snowmobiles where permitted.

(f) This section shall not apply to DRED authorized personnel or staff in the performance of their duties.

Res 7301.17 Boats.

(a) No person shall leave a boat unattended on any DRED properties or adjacent waters, except at occupied campsites and designated boat storage facilities.

(b) Boats left unattended for more than 24 hours without permission being given by authorized DRED personnel, shall be considered abandoned and shall be subject to removal and storage at the owner’s expense.

(c) Any boat removed and stored pursuant to (b) above, shall become the property of the state if not claimed within 30 days.

(d) No person shall haul, land, or launch a boat or other watercraft onshore of a natural area unless otherwise posted.

(e) Any boat found unattended in a sunken, beached, or drifting condition shall be subject to the provisions of RSA 270-B.

Res 7301.18 Permitted Use on Trails. Trails shall be available for hiking, however trails shall be signed for all other [each] permitted use, except as allowed at Connecticut Lakes Headwaters [Property] Tract in accordance with the public recreation management plan.

Res 7301.19 Metal Detectors.

(a) Metal detectors shall not be permitted on DRED properties unless otherwise stated in this section or if permitted by special use permit pursuant to Res 7400.

[(a)](b) Metal detectors shall be permitted along the shoreline of [state park] beaches and at athletic fields, playgrounds, and within a 25 [feet] foot radius from picnic tables and pavilions, unless otherwise posted.

[(b)](c) [No person shall use] Metal Detectors shall not be permitted at state historic sites[, including] and natural areas listed in Res 101.06, or Odiorne Point state park.

[(c)](d) Money or items found whose value is in excess of \$5.00 shall be subject to Res 7301.27, Lost and Found Items [reported to the park manager or regional supervisor].

Res 7301.20 Digging.

(a) Digging shall be permitted on sand beaches, with all resulting holes completely filled in prior to leaving the site. Digging holes to a depth greater than 12 inches shall not be permitted.

(b) Digging and other ground disturbances shall not be permitted [at state parks and] on DRED properties, historic sites [except as permitted by the director], and natural areas unless permission has been granted by special use permit pursuant to Res 7400 with concurrence of the department of cultural resources, division of historical resources.

(c) Money or items found whose value is in excess of \$5.00 shall be subject to Res 7301.27, Lost and Found Items.

Res 7301.21 Mineral Collecting.

(a) Mineral exploration and collecting using mechanized equipment or hand tools shall not be permitted on DRED properties, unless permission has been granted by special use permit pursuant to Res [7306]7400 or by rights reserved by recorded deed.

(b) Mineral exploration and collecting shall not be permitted at geologic sites, natural preserves, historic sites, or at elevations above tree line.

Res 7301.22 Constructing or Erecting Structures and Signs. No person shall construct or erect any structure, such as but not limited to cairns, rope swings, diving platforms, or permanent tree stands or blinds, or any sign or posting on DRED properties unless permission has been granted by the department or through a special use permit pursuant to Res [7306]7400.

Res 7301.23 [Youth] Group[s] Use.

(a) A [youth] group leader or organizer shall contact the park manager and request permission for admittance to any state park property during the park's operating season at least 7 days prior to the intended visit for day-use and 30 days prior to the intended visit for overnight.

(b) Organized groups shall be admitted to a state park property if the park manager determines:

- (1) There is space available at the park; and
- (2) The [youth] group will not interfere with other park patrons.

(c) A [youth] group service charge and per person fee shall be collected for admittance to a state park that collects fees. Service charges and fees are established in accordance with RSA 216-A:3-g.

(d) The minimum size of a [youth] group [shall be 10, except at Mount Sunapee campground where in minimum size of a youth group shall be 8] for day-use visits shall be 20.

(e) For youth groups, the leader to youth ratio shall be one adult leader for every 8 youths for day-use areas [and one adult for every 4 youths for overnight areas]. For the purposes of this rule, "youth groups" means groups of children up through high school age that are a part of an established community organization including but not limited to, boy scouts, girl scouts, 4-H, school groups, church groups, children's camps, and community recreation programs.

(f) Overnight camping for youth groups shall be permitted if:

(1) The group is a non-profit organization, registered with the secretary of state;

(2) All youths are under 18 years of age;

(3) The group has a minimum size of 10 or more youths;

(4) One adult leader is maintained for every 4 youths;

(5) Camping is by tent only;

(6) A deposit, or full payment for remote campsites, has been received at the time of placing the camping reservation, which includes a non-refundable reservation fee; and

(7) All other campground policies, including cancellation and camper use pursuant to Res 7302, shall apply.

Res 7301.24 Fireworks. No person shall use fireworks on any DRED property unless permission has been granted by special use permit pursuant to Res [7306]7400.

Adopt Res 7301.25, previously effective 8-4-12 (Document #10172, Emergency Rule) and expired 2-11-13, to read as follows:

Res 7301.25 Alcoholic Beverages. Possession and consumption of alcoholic beverages shall be permitted on DRED properties except as listed in this section:

(a) At certain seacoast beaches, possession and consumption of alcoholic beverages shall be prohibited pursuant to Res 7303.09(b);

(b) At the state operated ski area, consumption of alcoholic beverages shall only be permitted in designated areas pursuant to Res 7304.06;

(c) In Pawtuckaway, possession and consumption of alcoholic beverages shall be prohibited at the beach area and adjoining picnic area and other areas as posted;

(d) In Silver Lake, possession and consumption of alcoholic beverages shall be prohibited; and

(e) In Livermore Falls state forest, possession and consumption of alcoholic beverages shall be prohibited.

(f) In the following state historic sites, possession and consumption of alcoholic beverages shall be prohibited unless permission has been granted through the provisions under Res 7400:

(1) Fort Constitution;

(2) Fort Stark;

(3) Frost Farm;

(4) Hannah Duston historic site;

(5) Pierce Homestead;

(6) Webster Birthplace; and

(7) Weeks state park.

Adopt Res 7301.26 through Res 7301.30 to read as follows:

Res 7301.26 Geocaching, Letterboxing, and Earthcaching.

(a) No person shall place objects on DRED properties for the purpose of geocaching or letterboxing, or shall develop an earthcache or other virtual cache for a DRED property, unless written permission has been granted by a regional supervisor, park, trails, or forest manager.

For the purposes of this rule, “geocaching” means an outdoor recreational activity whereby participants use navigational tools to hide and search for a container that is placed in a publicly-accessible place, and “letterboxing” means an outdoor recreational activity whereby participants use clues to hide and search for a box that is placed in a publicly-accessible place, and “earthcache” means a type of virtual cache that directs participants to a specific location to learn about unique geoscience features of the site.

(b) A written request for geocaching or letterboxing shall be made by contacting the regional supervisor, park manager or forest manager and providing the following:

(1) Location of geocache or letterbox, including global positioning system coordinates;

(2) Type of container to be used;

(3) Where and how the geocache or letterbox is listed or advertised;

(4) Contact information, including name, address, telephone number and email address; and

(5) Length of time the geocache or letterbox will be in place.

(c) Geocaching or letterboxing shall be approved in writing if the regional supervisor, park manager or forest manager determines:

(1) Placement, discovery and removal will not damage or disturb natural resources. "Natural resources" means flora, trees and vegetation, soils, water and wetland resources, geological features, and fauna, wildlife and wildlife habitat;

(2) The activity will not cause harm or disturb other patrons; and

(3) Ammunition canisters shall be prohibited from use.

(d) If the regional supervisor, park manager or forest manager does not approve a request pursuant to (c) above, the regional supervisor, park manager or forest manager shall notify the person in writing of the specific reasons for denial.

(e) Geocaches or letterboxes shall be removed at the conclusion of the scheduled time period. Notification of removal shall be made to the regional supervisor, park manager or forest manager. The regional supervisor, park manager or forest manager reserves the right to remove a geocache or letterbox after a period of three years or earlier pursuant to Res 7301.03.

(f) Any person who receives permission to place a geocache or letterbox on a DRED property shall be responsible for any damage caused by this activity.

Res 7301.27 Lost and Found Items.

(a) Any person who finds on DRED reservations by whatever means money or items whose value is in excess of \$50.00 shall:

(1) Report to and leave such money or items with an authorized DRED personnel; and

(2) If the money or items was reported by a park guest as lost or missing, such money or items shall be returned to the park guest upon adequate proof of ownership; or

(3) If the money or items was not reported as lost or missing, such money or items shall be retained by the authorized DRED personnel in a safe for a period of 30 days; and

(4) Shall be returned to the finder if the money or items are not claimed following the 30 day period.

(b) Money or items found that are of significant value, as determined by authorized DRED personnel, shall be turned over to the local police department.

(c) Items found of historical, cultural or archeological value, as determined by the either division director in consultation with and based upon the technical expertise of the bureau of historic sites supervisor and the department of cultural resources, division of historical resources, shall remain the property of the state.

Res 7301.28 Feeding of Wildlife. The feeding of wildlife shall not be permitted at any time, including the use of birdseed, rice, and other food-based products for wedding processions and other events.

Res 7301.29 Smoking. Smoking shall be prohibited on those portions of a beach that are posted as prohibited, in the interest of Res 7301.07(b)(3), public health and safety, and Res 7301.15, littering and sanitation, as determined by the department. For purposes of this provision, smoking shall mean having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking, pursuant to RSA 155:65, XV.

Res 7301.30 Reckless Conduct.

(a) No person shall act in a manner which might cause or contribute to self-injury or to the injury of others, or act in a manner that creates a situation which requires or may require assistance for themselves or others. If authorized DRED personnel determine that an individual is behaving in such a manner, the authorized DRED personnel shall immediately evict the individual from the property and suspend any day-use ticket, parking fee, season pass, camping permit, special use permit, reservation, rental, license, or other permit or pass pursuant to RSA 541-A:30, III, as applicable.

(b) If a day-use ticket, parking fee, season pass, camping permit, special use permit, reservation, rental, license, or other permit or pass is suspended pursuant to (a) above, the department shall hold an adjudicative hearing not later than 10 business days from the date of suspension upon the request of the suspended ticket, pass or permit holder. The hearing shall be held in accordance with the provisions of Res 200.

(c) Should a day-use ticket, parking fee, season pass, camping permit, special use permit, reservation, rental, license, or other permit or pass be suspended pursuant to (a) above, the day-use ticket, season pass or other permit fee shall be retained by the department.

Readopt with amendment Res 7302 through Res 7305, effective 1-1-06 (Document #8532), to read as follows:

PART Res 7302 USE OF CAMPGROUNDS

Res 7302.01 Applicability. The provisions of Res 7302 shall apply to all DRED properties listed in Res 101.06.

Res 7302.02 Camping [Reservations].

(a) No person shall camp on DRED properties except in designated campsites.

~~(a)~~(b) Reservations for camping shall be made by contacting the camping reservation office or online reservation service and providing the following:

(1) The camper's name;

- [(2)] The camper's vehicle registration number(s);
- [(3)](2) The camper's mailing address;
- [(4)](3) The camper's telephone number and email address;
- [(5)](4) The total number of campers over the age of 18;
- [(6)](5) The total number of campers under the age of 18;
- [(7)](6) The number of nights [they are going to camp] being requested for reservation;
[and]
- [(8)](7) The method of payment; and
- (8) Payment of all fees, including a non-refundable reservation fees and campsites fees.

[(b)](c) Campsites shall not be registered to persons under age 18.

[(c)](d) The maximum number of adults that can be registered to a standard campsites shall be 4, except at certain remote [or], lean-to or family camping campsites that can accommodate more or are restricted to fewer persons.

[(d)](e) At RV-only campgrounds, the maximum number of persons registered to a campsites shall not exceed the number of persons the [camping]recreational vehicle is designed to sleep.

(f) Adult groups shall not be permitted to reserve youth group campsites without permission from the park manager or regional supervisor, whose decision shall be based upon campsites availability and reasonable mitigation of user conflicts.

(g) Overnight stays at trail shelters on the Cohos Trail located in Nash Stream State Forest and on the Monadnock-Sunapee Greenway Trail located in Max Israel State Forest and Pillsbury State Park shall have a maximum duration of 2 consecutive nights.

(h) Changes to a camping reservation shall be made by calling the camping reservation office at least one day prior to the arrival date of the reservation, with payment of a non-refundable change fee. Changing the name on a reservation shall be considered a cancellation of the original reservation.

(i) Cancellations may be made up to and on the arrival date of the reservation, with payment of a cancellation fee. The reservation fee shall be non-refundable.

(j) Reservations are non-transferrable at the park.

(k) Refunds shall not be issued due to weather. Refund requests shall be in writing and mailed to: The NH Reservation Information Office, PO Box 1856, Concord, NH 03302-1856.

(1) Should the department close a campground pursuant to Res 7301.07, the department shall refund unused portions of the campsites fees, excluding the non-refundable reservation fee.

Res 7302.03 Camping Permits.

(a) Campers with camping reservations shall register with the [park] DRED employee or campground host to obtain a camping permit. Identification shall be required as proof of the reservation and the camper shall provide his or her vehicle registration number(s). A camper's failure to register with the [park] DRED employee or campground host [within 24 hours of scheduled check-in]by noon of the day after the scheduled arrival date shall forfeit the camping reservation.

(b) Campers shall not setup their campsite during the hours of 10:00 PM through 7:00 AM, unless permission has been granted by authorized DRED personnel.

[(b)](c) Camping permits shall be displayed [from] in the vehicle[‘s rearview mirror] where easily visible from the exterior [while in the campground] at all times. [Permits shall be returned to park staff upon checkout.]

[(c)](d) Camping permits shall have a maximum duration of 14 consecutive days at all campgrounds unless extended pursuant to paragraph [(d)](e). Hampton Beach and Ellacoya RV parks shall have a maximum duration of 14 consecutive or accumulative days from Memorial Day weekend to Labor Day weekend for any person or camping vehicle [with no extensions]. Extensions of camping permits at Hampton Beach and Ellacoya RV parks shall not be permitted.

[(d)](e) Camping permits shall not be extended unless the campground has less than a 60% occupancy rate. At such times, upon request, permits shall be extended by up to an additional maximum duration of 14 days.

[(e)](f) Campers shall pay any additional fees due, including fees for each additional adult and child beyond the standard reservation occupancy of two adults and up to 4 children.

(g) Camping permit fees shall be non-refundable and non-transferable.

Res 7302.04 Campers.

(a) Campers shall not make noise loud enough to disturb other campers between the hours of 10:00 P.M. and 7:00 A.M.

(b) Campers and any day-use visitors shall not conduct activities that will disturb other campers' "quiet enjoyment" of the campground at any time, including but not limited to use of foul language and use of generators.

[(b)](c) Campers shall have all fires extinguished by 11:30 P.M., or as determined by fire permit.

[(c)](d) Campers shall not have any day-use visitors at their campsite between the hours of 10:00 P.M. and 7:00 A.M.

[(d)](e) Persons visiting campers shall be [registered for campground day-use. All applicable fees and restrictions shall apply. The maximum number of visitors allowed on a campsite shall not be exceeded, as determined by the DRED employee or campground host.

[(e)](f) Any visitor staying overnight shall be registered for each night of their stay. All applicable fees and restrictions shall apply to such visitors registered for overnight stays.

[(f)](g) Campers shall not leave campsites unattended overnight without notifying [park] authorized DRED personnel in advance.

(h) Campers shall dispose of all trash properly by use of a campground trash dumpster if available or taking their trash with them. Campers shall recycle materials in marked recycle bins if available.

(i) The registered camper identified by the camping permit shall be responsible for all members of his or her party or group, including the disturbance of other campers and visitors and any damages incurred.

Res 7302.05 Camping Permit Suspension.

(a) At any time, if a park manager or other authorized DRED personnel determines that a camper or anyone in the party is violating provision Res 7302.04, or causing environmental or property damage, or endangering public health, safety or welfare, the park manager or other authorized DRED personnel shall immediately suspend a camping permit pursuant to RSA 541-A:30, II and III, and the camper shall be evicted from the property.

(b) If any camping permit issued pursuant to this part is suspended pursuant to (a) above, the department shall hold an adjudicative hearing not later than 10 working days from the date of suspension upon the request of the camper. The hearing shall be held in accordance with the provisions of Res 200.

(c) Should a camping permit be suspended pursuant to (a) above, the permit fee and all associated fees shall be retained by the department.

(d) Should a camping permit be suspended, the camper shall be prohibited from applying for a camping permit for one year from the date of the suspension.

(e) Should the department close a campground pursuant to Res 7301.07, the department shall refund unused portions of the campsite fees, excluding the non-refundable reservation fee.

PART Res 7303 USE OF WATERFRONT PARKS

Res 7303.01 Applicability. The provisions of Res 7303 shall apply to all DRED properties listed in Res 101.06.

Res 7303.02 Restricted Access. Inland day-use beaches shall be closed to the “day use” public, including pedestrians, 30 minutes prior to sunrise and 30 minutes after sunset. This restriction shall not apply to registered state park campers.

Res 7303.[02]03 Swimming.

(a) No person shall swim at any DRED property except in areas designated by lifelines.

(b) Persons who swim at a designated swim area where a lifeguard is not on duty shall do so at their own risk.

(c) Persons who swim at an area not designated by lifelines shall do so at their own risk.

Res 7303.[03]04 Glass Bottles. No person shall have glass bottles on any beach.

Res 7303.[04]05 Beach Fires. No person shall have fires or portable grills on any beach, except as permitted in Res 7301.15 (a) and (b).

Res 7303.[05]06 Swimming and Floatation Equipment.

(a) No person shall use oars, paddles, electric motors or other propulsion devices used to propel inflatables or other floatation equipment in designated swimming areas.

(b) No person shall use boats, canoes, kayaks, and other watercraft in designated swimming areas.

(c) No person shall use boats, inflatables and other floatation equipment, and skim, boogie or surfboards in Archery Pond in Bear Brook state park.

Res 7303.[06]07 Digging. No person shall dig holes on sand beaches unless all resulting holes are completely filled in prior to leaving the site.

Res 7303.[07]08 Scuba Diving. No person shall scuba dive in designated swimming areas, nor in Archery Pond in Bear Brook state park.

Res 7303.[08]09 Swimming Instruction and Handicapped Swimming Programs.

(a) Any non-profit community group such as the Red Cross, YMCA, YWCA or local recreation department shall be eligible to sponsor swimming classes and handicapped swimming programs at a DRED [reservation] property by submitting a request for a special use permit to the director on the [organization's] letterhead of the organization.

(b) The organization's request shall be approved if the director determines:

(1) The program is open to the general public; [and]

(2) There is space available at the facility requested for use[.]; and

(3) All requirements of the special use permit pursuant to Res 7400, are met.

(c) If the director does not approve a request pursuant to (b) above, the director shall notify the organization in writing of the specific reasons for denial.

(d) If the director approves a request, a special use permit shall be granted and the swimming program director or instructor shall contact the [property] park manager [and] to receive approval of the swimming lesson schedule and a location for the swimming program prior to beginning any lessons.

(e) The organization shall ensure that all instructors are certified in Red Cross first aid and lifeguarding, or equivalent.

~~(e)(f)~~ The sponsoring organization shall provide signage stating that the designated area is reserved for swimming lessons only and lifelines to indicate the swimming program area. All signs and lifelines shall be removed when lessons are not being conducted.

~~(f)(g)~~ The swimming program director, instructors, or both shall be responsible for supervision of the program's students. Their authority shall not supersede that of the [property] park manager or lifeguard(s).

~~(g)(h)~~ The instructor and instructor's aide to student ratio shall be one instructor for every 12 students.

[(h)](i) All swimming and use of related equipment shall be under the direct supervision of the instructor or instructor's aide and shall be removed from the [park] DRED property each day unless other arrangements have been made with the park manager.

[(i)](j) The swimming program director, instructor, or both shall be responsible for the daily removal of trash from the designated program area.

Res 7303.[09]10 Seacoast Parks and Beaches.

(a) In addition to all other rules in Res 7303, this section shall apply to only [Hampton Beach,] Hampton Beach state park, Hampton Beach South, North Beach, North Hampton state b[B]each, Jenness state b[B]each[and], Wallis Sands state park, Odiorne Point state park, and Rye Harbor state park, or any other area where a parking fee or day-use fee is charged.

(b) Possession or consumption of [A]alcoholic beverages shall not be permitted, unless permission has been granted by special use permit in Res 7402, group reservation pursuant in Res 7403, rental agreement in Res 7404, license in Res 7405, or by permission from the director.

(c) No person shall sleep in a vehicle located within these areas between ½ hour after sunset and ½ hour before sunrise.

(d) The beaches shall be closed to the public between the hours of 1:00 A.M. and sunrise.

[(e)] The department shall collect a parking violation fine pursuant to RSA 216:3, I for parking violations, consisting of any of the following:

- (1) Exceeding the vehicle length limit of 20 feet in a metered or leased parking space;
- (2) Parking at an expired meter; or
- (3) Parking illegally in:
 - a. A leased parking space;
 - b. A reserved parking space;
 - c. A no parking zone;
 - d. A pedestrian crosswalk; or
 - e. A handicapped parking space.

(f) Additional parking violation fines shall be issued for each meter overtime period or continued violation.

(g) Motor vehicles illegally parked as described in Res 7303.09(d) above shall be subject to towing at the owner's expense.]

[(h)](e) Inflatables and other floatation equipment, life jackets, [swim fins,] face masks, diving goggles, and snorkel tubes shall not be permitted. Life preservers, life jackets, Personal Flotation

Devices, and swim fins shall be permissible for children 17 years and under, the handicapped, and the elderly requiring assisted living services.

[(i)](f) Skim boards shall not be permitted. For the purposes of this rule, skim board means a thin, flat, round or rectangular board used to ride over shallow water into oncoming waves close to the shoreline.

[(j)](g) Boogie boards shall be permitted. All boogie boards shall be equipped with a retention strap or other device to prevent the boogie board from being separated from the user. Said device shall be utilized at all times. For the purposes of this rule, boogie board means a short, lightweight surfboard used to ride waves to the shoreline.

[(k)](h) Surfing and surfboards shall not be permitted except at designated areas at Hampton Beach state park, North Beach section. All surfboards shall be equipped with a safety harness or other device to prevent a surfboard from being separated from the user. Said device shall be utilized at all times.

(i) Fishing shall not be permitted during the hours of 9 a.m. to 5:30 p.m.

(j) Landing or launching of air- or water-craft shall not be permitted, unless permission has been granted by special use permit pursuant to Res 7402.

(k) No person shall use the following equipment on the Hampton Beach state park boardwalk:

- (1) Skateboards;
- (2) Roller skates, rollerblades, or roller skis;
- (3) Tricycles; or
- (4) Motorized bicycles.

(l) In the operation of the beach parking facilities, the department shall:

(1) Issue a parking citation and collect parking violation fines and fees pursuant to RSA 216:3, I and RSA 12-A:2-c, IV for parking violations consisting of any of the following:

a. Exceeding the vehicle length limit of 20 feet in a metered or leased parking space;

b. Parking with an expired parking permit;

c. Parking at an expired meter or parking without a parking receipt displayed, with an expired parking receipt, or with an improperly or unreadable receipt displayed. Parking receipts shall be displayed face-up on the dash of the vehicle.

d. Or, parking illegally in:

1. A leased parking space;

2. A reserved parking space;

3. A no parking zone;
4. A pedestrian crosswalk;
5. A handicapped parking space;
6. A bus parking space or area;
7. A motorcycle parking space;
8. A roadway or driveway;
9. Front of or blocking a fire hydrant;
10. An emergency vehicle or police only parking space; or
11. Over an allocated parking space as indicated by painted white lines.

(2) Collect additional parking violation fines for each meter overtime period or continued violation.

(3) Subject motor vehicles whose owner has greater than three unpaid parking citations on record shall be subject to towing or immobilization at the owner's expense.

(4) Refer delinquent and non-payment of parking violations fines and fees exceeding 60 days to the department's collections agent.

(5) Refer habitual offenders having five or more unpaid citations to the attorney general's debt recovery collections office.

(6) A person who has been issued a parking citation may request an appeal within 60 days of the date the citation was issued, by taking the following steps:

a. Complete the department's Citation Review Form by providing the following information in legible print:

1. Date of request;
2. Name, complete mailing address, day-time phone number, email address;
3. Citation number, issue date; vehicle plate number;
4. Basis for why claimant thinks the citation was issued in error; and any supporting documents; and
5. Claimant's signature and date of signature, certifying that all information provided is true, accurate, and complete.

b. Send the department's Citation Review Form to:

NH State Parks
Parking Citation Review
PO Box 1856
Concord, NH 03302-1856
Fax: 603-271-3553
Email: disputes@dred.state.nh.us

c. Upon receipt of the Citation Review Form appeal request, the department shall halt all additional activity on the citation, including the assessment of additional fees, and shall conduct an administrative review of the appeal, including:

1. If the department approves the appeal or approves a portion of the appeal, the department shall determine the fines and fees due;

2. If the department denies the appeal, the claimant shall pay the balance due within 15 calendar days of date of notice. Should payment not be received by the department, the department shall reinstate assessment of all late fees owed upon the 16th day;

3. Written notification of the department's decision on the appeal within 7-10 business days, including any balance due.

d. The department shall review an appeal request that is submitted beyond the 60 day issue date of citation deadline, if the department did not have a valid current address for the vehicle owner, and the request for appeal is submitted pursuant to Res 7303.10(e)(6)a through b.

PART Res 7304 USE OF THE STATE OPERATED SKI AREA

Res 7304.01 Applicability. In addition to all other rules in Res [7303] 7300, this part shall apply to only Franconia Notch state park.

Res 7304.02 Trail Use Limitations. The public shall not use sleds, toboggans, saucers and similar equipment, except snow tubes provided by the state park, or motor propelled devices on trails, both cross country and downhill, or slopes unless permission has been granted by special use permit pursuant to Res [7306]7400.

Res 7304.03 Ski Lifts.

(a) Persons waiting to board chairlifts shall maintain orderly lines and shall board the lift on a "first come first served" basis.

(b) Children being carried and non-skiers shall not be permitted on any chairlift except the Cannon Mountain aerial tramway.

(c) Lift riders shall not swing or jump from any chairlift.

(d) Lift riders shall not throw anything or item from any chairlift.

Res 7304.04 Ski Equipment.

(a) Persons with ski and snowboard equipment that is defective or who have ski equipment that a ski shop has refused to service shall not be permitted on slopes or lifts.

(b) All skis shall be equipped with retention straps or other devices to prevent runaway skis.

(c) Skis and poles shall not be permitted in the dining and lounge areas of any buildings.

(d) All snow tube equipment used in state operated ski areas shall be provided by the state park.

Res 7304.05 Personal Belongings. Clothing and other personal belongings shall only be left in designated areas and at the owner's own risk and shall not be the responsibility of the department.

Res 7304.06 Alcoholic Beverages. Alcoholic beverages shall be permitted only in buildings and areas designated for consumption and sale. Alcoholic beverages obtained from other than the designated sales area within the building shall not be displayed or consumed.

Res 7304.07 Ski Tickets. Day-use and season ski tickets shall not be transferred, subject to refund, or resold. Purchase of a ski ticket shall allow only the original purchaser to use the facilities.

Res 7304.08 Reckless Conduct.

(a) No person shall act in a manner which might cause or contribute to [the] self-injury [of himself] or to the injury [to]of others, or act in a manner that creates a situation which requires or may require assistance for themselves or others. [At any time, i]f [a park manager or] authorized DRED personnel determine[s] that an individual is skiing or riding in such a manner, the [park manager] authorized DRED personnel shall immediately evict the individual from the property and suspend any day-use or season ski ticket pursuant to RSA 541-A:30, III.

(b) If a day-use or season ski ticket is suspended pursuant to (a) above, the department shall hold an adjudicative hearing not later than 10 working days from the date of suspension upon the request of the suspended ticket holder. The hearing shall be held in accordance with the provisions of Res 200.

(c) Should a day-use or season ski ticket be suspended pursuant to (a) above, the day-use or season ski ticket fee shall be retained by the department.

PART Res 7305 USE OF FRANCONIA NOTCH RECREATIONAL TRAIL - SPRING, SUMMER AND FALL SEASONS

Res 7305.01 Applicability. In addition to all other rules in Res [7303] 7300, this part shall apply to only Franconia Notch state park.

Res 7305.02 Trail Use Limitations. No person shall use the following equipment on the Franconia Notch recreational trail:

(a) Skateboards;

(b) Roller skates, rollerblades, or roller skis;

(c) Tricycles; [or]

(d) Motorized bicycles[.]; or

(e) Electronic Personal Assistive Mobility Devices or “EPAMD”, such as Segways.

Res 7305.03 Motor Vehicle Use. No person shall operate a motor vehicle on the Franconia Notch recreational trail during the spring, summer or fall seasons except for maintenance and enforcement vehicles operated by personnel in the performance of their duties.

Res 7305.04 Limits. The following shall apply to all users when utilizing the Franconia Notch recreational trail:

(a) A person operating a bicycle shall not exceed 20 mph at any time;

(b) No person operating a bicycle shall exceed the speed of any person walking in a designated walking speed zone;

(c) All trail users, including pedestrians, shall keep to the right of the trail except when passing;

(d) No person shall operate a bicycle between ½ hour after sunset and ½ hour before sunrise; and

(e) No person shall operate a bicycle when that trail is closed by the park manager for maintenance reasons or for restrictions in public use pursuant to Res 7301.07.

Res 7305.05 Trail Uses Not Permitted.

(a) No person shall obstruct other users of the trail.

(b) Foot and bicycle racing shall not be permitted on the Franconia Notch recreational trail, unless permission has been granted by special use permit pursuant to Res [7306]7400.

Res 7305.06 Protection of Natural Habitats. No person shall remove or cut any plant or vegetation or damage any natural feature at any time, within the high-elevation protected wildlife habitat zones at Franconia Notch state park without prior permission from the commissioner.

APPENDIX

Rule	State or Federal Statute which the Rule is Intended to Implement
Res 7301.01	RSA 12-A:2-c, II (a)
Res 7301.02	RSA 541-A:7
Res 7301.03	RSA 12-A:2-c, II (a)
Res 7301.04	RSA 12-A:2-c, II (a) and III RSA 215-A:3-b, I RSA 215-C:3-a, I
Res 7301.05	RSA 12-A:2-c, II (a)
Res 7301.06	RSA 12-A:2-c, II (a) RSA 227-C:17, II
Res 7301.07 through Res 7301.10	RSA 12-A:2-c, II (a)
Res 7301.11	RSA 12-A:2-c, II (a) RSA 207:36-a
Res 7301.12 through Res 7301.13	RSA 12-A:2-c, II (a)
Res 7301.14	RSA 12-A:2-c, II (a) RSA 216-I:9, IV
Res 7301.15	RSA 12-A:2-c, II (a)
Res 7301.16	RSA 12-A:2-c, II (a) and (b)
Res 7301.17 through Res 7301.28	RSA 12-A:2-c, II (a)
Res 7301.29 and Res 7301.30	RSA 12-A:2-c, II (a) RSA 541-A:30, III
Res 7302.01	RSA 12-A:2-c, II (a)
Res 7302.02 and Res 7302.04	RSA 12-A:2-c, II (a) RSA 216-I:5
Res 7302.05	RSA 12-A:2-c, II (a) RSA 541-A:30, II and III
Res 7303.01 through Res 7303.08	RSA 12-A:2-c, II (a)
Res 7303.09 and Res 7303.10	RSA 12-A:2-c, II (a) and (b), IV RSA 216:3, I RSA 216-A:3-g
Res 7304.01 through Res 7304.07	RSA 12-A:2-c, II (a)
Res 7304.08	RSA 12-A:2-c, II (a) RSA 225-A:24, III RSA 541-A:30, III
Res 7305.01 and Res 7305.02	RSA 12-A:2-c, II (a)
Res 7305.03	RSA 12-A:2-c, II (a) and (b)
Res 7305.04 and Res 7305.06	RSA 12-A:2-c, II (a)