

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.

(a) The provisions of Res 7301 shall apply to all department of resources and economic development (DRED) properties listed in Res 101.06, and subsequent properties and easements upon acquisition, and to all listed conservation or trail easement properties held by DRED to the extent that these provisions apply to the rights granted to the state or the restrictions placed on the property.

(b) The provisions of this chapter that apply during the operating season shall also apply to all state parks and park areas open during the operating season regardless of whether the property is staffed or a fee is charged.

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

Res 7301.02 Definitions.

(a) "Authorized DRED personnel" means the commissioner, 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 department.

(b) "Bureau administrator" 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) "Commissioner" means the commissioner of the department of resources and economic development.

(d) "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) "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) "Operating hours" means the times when most park and support facilities are open for public use.

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

(h) “Park or trails manager or forester” means the manager of a park, trails, forest or recreation area of the department.

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

(j) “Service animal” means a dog that is individually trained to do work or perform tasks for people with disabilities as defined under the Americans with Disabilities Act (ADA) as amended, and including an animal 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.

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

(l) “Volunteer coordinator” means a person(s) designated to administer the adopt-a-fire tower, the adopt-a-state park, the adopt-a-trail programs, and oversee volunteers and friends groups.

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 or Res 8500 shall be guilty of a violation and be:

(1) Evicted from the property;

(2) Responsible for the restoration of any defaced or destroyed historic property or resource pursuant to RSA 227-C:17, II; and/or

(3) Subject to an administrative fine pursuant to Res 7800.

(b) Serious offenses shall be charged as a misdemeanor.

(c) A “serious offense” means an offense in which a person has:

(1) Acted in a reckless manner pursuant to Res 7301.30 or Res 7304.08;

(2) Caused serious environmental or property damage; or

(3) Committed a third offense.

(d) Any person or organization evicted from the property pursuant to this section, shall not receive a refund of department-related daily fees, including but not limited to, admission, parking, permit,

or enterprise function fee, except for a portion of camping rental fees as allowed by RSA 216-I:6.

(e) Any person or organization evicted from the property pursuant to this section, shall not receive a refund of the unused portion of a season pass or seasonal or multi-year special use permit pending an adjudicative proceeding pursuant to RSA 541-A:30, III.

Res 7301.05 Protection of Natural Features and Property. No person shall remove, damage, deface, disturb or alter any structure, plant, marine or freshwater aquatic life with the exception of lawful fishing, natural or geological 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 in cooperation with 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 and charged as a violation under Res 7301.04.

Res 7301.07 Restrictions in Public Use.

(a) DRED properties shall be accessible for use unless closed or restricted to public access by posting and / or by public notification or restricted under the provisions in this chapter.

(b) DRED properties, or portions of a property, 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 requests the department to close a specific DRED property at a time and for causes so listed below which the department deems reasonable;
- (2) There is a need to reduce vandalism;
- (3) It is necessary for public health and safety;
- (4) It is necessary to protect the natural resources, physical improvements, or other features and resources of a DRED property;
- (5) There is a restriction pursuant to a deed, easement, trail use rules, property or trail management plan or where such plans are developed through a public involvement process; or
- (6) The quiet enjoyment of the recreational use of the property by other users or abutting landowners is being disturbed.

(c) Persons shall not enter DRED properties or portions of DRED properties that are closed or restricted to public access.

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; 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.

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. Permission for this activity in areas otherwise prohibited may be granted by special use permit or other written agreement.

(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.

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

Res 7301.10 Hunting.

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

(b) Hunting shall not be permitted at Robert Frost historic site, 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.

(c) At Bear Brook state park, hunting in the area known as the game refuge east of Podunk Road shall be limited to bow and arrow.

(d) Portable tree stands shall be permitted for the purpose of hunting 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 installed and removed without damage to any vegetation.

(e) 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. DRED shall remove tree stands during active timber harvest operations, for which DRED shall not be held liable or responsible for loss or damage of such tree stands.

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

Repeal Res 7301.11, effective 1-1-06 (Document #8532):

Res 7301.11 Hunting.

~~(a) Hunting shall not be permitted at Robert Frost historic site, 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 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. 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.~~

Adopt Res 7301.11 to read as follows:

Res 7301.11 Target Shooting.

(a) No person shall discharge a firearm for the purpose of target shooting within 300 feet of developed recreation areas, including parking lots, administrative and maintenance facilities, dwellings, camps, cabins and yurts, bathhouses, campgrounds, campsites, playgrounds, athletic fields, beaches, pavilions, picnic areas, and boat launches and trails, or within 100 feet of any stream, river, pond, lake or other water body.

(b) Target shooting shall not be permitted at Robert Frost historic site, 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.

(c) Target shooting shall not be permitted from Memorial Day weekend through Columbus Day weekend within ¼ mile from developed recreation areas.

(d) Target shooting shall be permitted on the Connecticut Lakes Headwaters Tract in accordance with the public recreation management plan.

(e) Only firearms chambered for rimfire ammunition, center-fire handguns and rifles, muzzleloaders and shotguns shall be permitted, and all shell casings shall be removed daily and disposed of offsite by the user.

(f) Fully jacketed, armor piercing, steel core and tracer ammunition shall be prohibited.

(g) Only targets designed for target shooting shall be used, except explosive target compositions shall be prohibited, and all targets shall be removed daily and disposed of offsite by the user. Shooting glass bottles, household appliances or standing trees is strictly prohibited.

(h) The department shall prohibit target shooting in areas where such activity is permitted when the department determines there is a lack of compliance to this section by users, or the department determines it is necessary under Res 7301.07.

Readopt with amendment Res 7301.12 through Res 7301.23, 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 developed or maintained play or athletic fields or areas designated by authorized DRED personnel.

Res 7301.13 Soliciting. No person shall conduct commercial and non-profit activity, soliciting, or canvassing on DRED properties, excepting the use of a vehicle, boat or clothing permanently affixed with a commercial logo or insignia, unless permission has been granted by special use permit pursuant to Res 7400 or by other written agreement, such as but not limited to state contracts, leases, or memorandum of agreements.

Res 7301.14 Fires.

(a) Fires shall be permitted only in places provided or designated for that purpose, unless posted as prohibited during times determined by the division of forests and lands for resource protection, such as but not limited to, forest fire danger.

(b) Portable grills shall be permitted, provided that the 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, garbage, trash, debris, or any other discarded, refuse or waste material of every kind and description shall not be permitted.

Res 7301.15 Littering and Sanitation.

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

(b) No person shall dispose of rubbish, garbage, trash, debris, sewage, or any other discarded, refuse or waste material of 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.

(c) No person shall dispose of sewage or solid 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.

(d) 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 DRED property shall take all items brought with them, including any rubbish, garbage, trash, debris, or any other discarded, refuse or waste material of every kind and description generated by them, upon their departure, except where trash receptacles are provided.

Res 7301.16 Motor Vehicles.

(a) Motor vehicles shall only be used on roads, 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) Motor vehicles left for more than 24 hours in areas where day-use or parking fees are charged and without adequate payment of applicable fees or permission being given by authorized DRED personnel, shall be considered abandoned and shall be subject to towing and storage or immobilization at the owner’s expense.

(c) Motor vehicles left for more than 14 days at trail head parking areas without permission being given by authorized DRED personnel shall be considered abandoned and shall be subject to towing and storage or immobilization at the owner’s expense.

(d) Motor vehicles parked in front of any rail trail or DRED property gate shall be subject to towing and storage at the owner’s expense.

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

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

(g) This section shall not apply to DRED authorized personnel or staff or emergency response personnel 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 be subject to the provisions of RSA 471-C if not claimed within 60 days.

(d) No person shall haul, land, or launch a boat or other watercraft onshore of a DRED natural area listed in Res 101.06 unless otherwise posted as permitted.

(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.

(a) Pursuant to RSA 216-F:2, trails within the statewide trail system shall be available for hiking, nature walks, bird watching, horseback riding, bicycling, ski touring, snowshoeing and snowmobiling, mushing, and off highway recreational vehicles where permitted. The commissioner shall, as necessary, zone and restrict use of any section of the trails after determining appropriate public uses for such trails.

(b) Other DRED trails shall be available for the uses listed above in accordance with Res 7300.

(c) All other trails shall be signed for all other permitted uses not covered in this section.

(d) The recreational use of electric and power-assisted bicycles on natural surface trails shall be managed within the same rules and regulations as motorized vehicles.

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.

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

(c) Metal detectors shall not be permitted at state historic sites and natural areas listed in Res 101.06, or Odiorne Point state park.

(d) Money or items found whose value is in excess of \$50.00 shall be subject to Res 7301.27, Lost and Found Items.

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 on DRED properties, historic sites, and DRED natural areas unless permission has been granted by special use permit pursuant to Res 7400 in cooperation with the department of cultural resources, division of historical resources pursuant to RSA 227-C:9.

(c) Money or items found whose value is in excess of \$50.00 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 7400, by rights reserved by recorded deed, or by property management plan.

(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, maintain or erect any structure, such as but not limited to cairns, rope swings, diving platforms, or permanent tree stands or blinds, or any trails, 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 7400 or other written agreement.

Res 7301.23 Group Use.

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

(1) There is space available at the park for the additional visitors;

(2) The group will not interfere with other park patrons; and

(3) For youth groups, the group is adequately supervised in accordance with the adult-to-youth ratio described within this section. For the purposes of this rule, "youth groups" means groups of children up through 17 years of age that are a part of an established municipal or non-profit organization registered with the secretary of state and serving youths and children, including but not limited to, boy scouts, girl scouts, 4-H, school groups, church groups, and non-profit youth camps.

(b) For day-use areas:

(1) A 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;

(2) The minimum size of a group for day-use visits shall be 12;

(3) For youth groups, the leader to youth ratio shall be one adult leader for every 6 to 10 youths, based upon the supervisory needs of the youths such as age, special needs or at-risk youths; and

(4) A per person fee shall be collected for admittance to a state park that collects fees.

(c) Overnight camping for youth groups shall be permitted provided that:

(1) A group leader or organizer contacts the camping reservation office or call center at least 7 days prior to the intended visit;

(2) The group is a municipality or a non-profit organization or group registered with the secretary of state;

- (3) All youths are up through 17 years of age;
- (4) The group has a minimum size of 10 youths;
- (5) The leader to youth ratio for overnight camping shall be based upon the age and supervisory needs of the youths, such as special needs or at-risk youths, as follows:
 - a. One adult leader for every 4 to 6 for youths under 10 years of age;
 - b. One adult leader for every 4 to 8 youths between 10 to 13 years of age; and
 - c. One adult leader for every 4 to 10 youths between 14 up through 17 years of age;
- (6) Camping is by tent only;
- (7) 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
- (8) All other campground policies, including cancellation and camper use pursuant to Res 7302, shall apply.

Readopt Res 7301.24, effective 1-1-06 (Document #8532):

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 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;
- (e) In Livermore Falls, possession and consumption of alcoholic beverages shall be prohibited; and
- (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 and Letterboxing.

- (a) For the purposes of this rule:
 - (1) “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
 - (2) “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
 - (3) “Earthcache” means a type of geocache activity that directs participants to a special geological location to learn about a unique feature of the Earth.
- (b) 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 authorized DRED personnel.
- (c) 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) Proposed location of geocache or letterbox, including global positioning system coordinates, datum or clues;
 - (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 or cell phone number and email address;
 - (5) Length of time the geocache or letterbox will be in place; and
 - (6) That the geocache or letterbox shall be maintained by the requestor or designee during the length of time.
- (d) Geocaching or letterboxing shall be approved in writing if the regional supervisor, park, trails

or forest supervisor or 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; and
 - (2) The activity will not cause harm or disturb other patrons.
- (e) Cache and letterbox containers, including ammunition canisters shall be permitted for use provided that:
- (1) The ammunition canister shall be painted in non-military colors if located within 300 feet of developed recreation developed recreation areas, including parking lots, administrative and maintenance facilities, dwellings, camps, cabins and yurts, bathhouses, campgrounds, campsites, playgrounds, athletic fields, beaches, pavilions, picnic areas, and boat launches; and
 - (2) The name of the cache, the name of the owner of the cache and the date the department granted approval for the cache shall be clearly labeled on the outside of all containers and canisters.
- (f) If the regional supervisor, park, trails or forest supervisor or manager does not approve a request pursuant to (d) above, the regional supervisor, park, trails or forest supervisor or manager shall notify the person in writing of the specific reasons for denial.

(g) 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, trails or forest supervisor or manager. The regional supervisor, park, trails or forest supervisor or manager shall remove a geocache or letterbox prior to the scheduled time period if the conditions under Res 7301.07 occurs, for which DRED shall not be held liable or responsible for loss or damage of such cache or letterbox, but shall make a reasonable attempt to notify the owner.

Res 7301.27 Lost and Found Items.

- (a) Any person who finds on a DRED property by whatever means money or items whose value is in excess of \$50.00 shall report to and leave such money or items with an authorized DRED personnel.
- (b) The authorized DRED personnel shall take the following steps:
 - (1) 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
 - (2) 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 60 days; and
 - (3) Shall be returned to the finder if the money or items are not claimed following the 60 day period.
- (c) Money or items found that exceed a value of \$250, as determined by authorized DRED personnel, shall be subject to the provisions of RSA 471-C regarding the custody and escheat of unclaimed and abandoned property.

(d) 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 public health and safety under Res 7301.07(b)(3), 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 might 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, camping permit, and may charge the individual with a violation and fine pursuant to Res 7301.04, and suspend any season pass and special use permit, or other permit or pass.

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

(c) If a camping permit is suspended pursuant to (a) above, the department shall follow remedial action pursuant to RSA 216-I:6.

(d) If a season pass or seasonally-based special use permit is suspended pursuant to (a) above, the department shall retain such fees and hold an adjudicative hearing pursuant to RSA 541-A:30, III.

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. In addition to all other rules in Res 7300, the provisions of Res 7302 shall apply to all DRED properties listed in Res 101.06, and subsequent properties and easements upon acquisition, and to all listed conservation or trail easement properties held by DRED to the extent that these provisions apply to the rights granted to the state or the restrictions placed on the property.

Res 7302.02 Camping.

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

(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 mailing address;
- (3) The camper's telephone number and email address;
- (4) The total number of campers over the age of 18;
- (5) The total number of campers under the age of 18;
- (6) The number of nights being requested for reservation;
- (7) The method of payment; and
- (8) Payment of all fees, including a non-refundable reservation fees and campsite fees.

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

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

(e) At RV-only campgrounds, the maximum number of persons registered to a campsite shall not exceed the number of persons the 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 campsite 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 and other remote locations where overnight stays are permitted 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 shall be 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.

(l) 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.

Res 7302.03 Camping Permits.

(a) Campers shall register with the 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 DRED employee or campground host 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 who shall determine that the arrival can be accommodated and shall not disturb other campers' quiet enjoyment of the campground.

(c) Camping permits shall be displayed in the vehicle where easily visible from the exterior at all times. Campers not travelling by motor vehicle shall display camping permits in a location easily visible at all times.

(d) Camping permits shall have a maximum duration of 14 consecutive days at all campgrounds unless extended pursuant to paragraph (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. Extensions of camping permits at Hampton Beach and Ellacoya RV parks shall not be permitted.

(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.

(f) Campers shall pay any additional fees due, including fees for each additional adult and child beyond the standard reservation occupancy of 2 adults and up to 4 children.

(g) Camping permit fees shall be non-refundable and non-transferable, Res 7302.02 (k),(1) excepted.

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.

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

(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.

(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 authorized campground host.

(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.

(g) Campers shall not leave campsites unattended overnight without notifying 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 216-I:6, and the camper shall be evicted from the property.

(b) Should a camping permit be suspended pursuant to (a) above, the permit fee and all associated fees shall be retained by the department, except for a portion of unused camping rental fees as allowed by RSA 216-I:6, as may be amended, which states:

(1) Following eviction, said person may make written request to the owner or operator or their agent of such recreational campground or camping park within 30 days for the refund of the unused portion of his prepaid campsite rental or visitor fee. Upon such a request, such owner or operator shall refund such unused portion of the fees, less any amount deducted to pay for damages.

(c) 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.

PART Res 7303 USE OF WATERFRONT PARKS

Res 7303.01 Applicability. In addition to all other rules in Res 7300, the provisions of Res 7303 shall apply to all DRED properties listed in Res 101.06, and subsequent properties and easements upon acquisition, and to all listed conservation or trail easement properties held by DRED to the extent that these provisions apply to the rights granted to the state or the restrictions placed on the property.

Res 7303.02 Swimming.

(a) No person shall swim at any DRED facility where and when a day-use fee is charged 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 remote areas that are not swim areas designated by lifelines shall swim at their own risk.

Res 7303.03 Glass Bottles. No person shall have glass bottles on any beach.

Res 7303.04 Beach Fires. No person shall have fires or portable grills on any beach, except as permitted in Res 7301.14 (a) and (b).

Res 7303.05 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 Digging. No person shall dig holes on sand beaches unless all resulting holes are completely filled in prior to leaving the site. Digging holes to a depth greater than 12 inches shall not be permitted.

Res 7303.07 Scuba Diving. No person shall scuba dive in designated swimming areas, nor in Archery Pond in Bear Brook state park.

Res 7303.08 Swimming Instruction and Handicapped Swimming Programs.

(a) Any non-profit community group such as the Red Cross, YMCA, YWCA or community recreation department shall be eligible to sponsor swimming classes and handicapped swimming programs at a DRED property by submitting a request for a special use permit to the director on the 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;

(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, prior to beginning any lessons, contact the park manager to receive approval of the swimming lesson schedule and a location for the swimming program, as determined by the park manager.

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

(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.

(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 park manager or lifeguard(s).

(h) The instructor and instructor's aide to student ratio shall be one instructor for every 6 students.

(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 DRED property each day unless other arrangements have been made with the park manager.

(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 Seacoast Parks and Beaches.

(a) In addition to all other rules in Res 7300 and Res 7303, this section shall apply to only Hampton Beach state park, Hampton Beach South, North Beach, North Hampton state beach, Jenness state beach, Wallis Sands state park, Odiorne Point state park, Rye Harbor state park, and seacoast historic sites, and any other seacoast park or area where a parking fee or day-use fee is charged.

(b) Possession or consumption of alcoholic beverages shall not be permitted, unless permission has been granted by special use permit or group reservation pursuant to Res 7400.

(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 ½ hour before sunrise, except for anglers.

(e) Inflatables and other floatation equipment, life jackets, 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 additional safety equipment.

(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.

(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.

(h) Surfing and surfboards shall not be permitted except at designated areas at Hampton Beach state park, North Beach section only. 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. when lifeguards are on

duty, except for Odiorne Point state park, Rye Harbor state park, along the entrance of Hampton River at Hampton Beach South, at seacoast state historic sites and when permission is granted by authorized DRED personnel based upon the number of visitors on the beach.

(j) Landing or launching of motorized water-craft shall not be permitted during the hours of 9 a.m. to 5:30 p.m. when lifeguards are on duty, Odiorne Point state park, Rye Harbor state park and seacoast historic sites excepted.

(k) Landing or launching of air-craft shall not be permitted, unless permission has been granted by special use permit pursuant to Res 7400.

(l) No person shall use the following equipment on the Hampton Beach state park boardwalk, which includes all pedestrian walkways on the east side of Ocean Boulevard from Haverhill Avenue heading north to the Marine Memorial:

- (1) Skateboards;
- (2) Roller skates, rollerblades, or roller skis;
- (3) Tricycles and bicycles;
- (4) Motorized bicycles; and
- (5) Electronic Personal Assistive Mobility Devices (EPAMDs), such as Segways.

(m) 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 receipt;
- 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; or
- d. 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 3 unpaid parking citations on record 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 5 or more unpaid citations to the attorney general's debt recovery collections office;
 - (6) Allow a person who has been issued a parking citation to request an appeal within 60 days of the date the citation was issued by taking the following steps:
 - a. The claimant shall 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; and
 - b. The claimant shall 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.nh.gov

(7) Upon receipt of the Citation Review Form appeal request, halt all additional activity on the citation, including the assessment of additional fees, and shall conduct an administrative review of the appeal as follows:

- a. If the department approves the appeal or approves a portion of the appeal, the department shall determine the fines and fees due;
- b. 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;
- c. Written notification of the department's decision on the appeal within 7-10 business days, including any balance due; and

(8) Review an appeal request that is submitted beyond the 60 day issue date of citation deadline required in (6) above, only if the department did not have a valid current address for the vehicle owner, and the request for appeal is submitted pursuant to Res 7303.09(m)(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 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 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 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 self-injury or to the injury of others, or act in a manner that creates a situation which requires or might require assistance for themselves or others. If authorized DRED personnel determine that an individual is skiing or riding in such a manner, the 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 ski ticket is suspended pursuant to (a) above, the department shall retain such fees and 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) If a season pass is suspended pursuant to (a) above, the department shall retain such fees pending an adjudicative hearing pursuant to RSA 541-A:30, III.

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 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) Children's tricycles shall be prohibited except where permitted from the parking lot to the Old Man Viewing Area;
- (d) Motorized bicycles; or
- (e) Electronic Personal Assistive Mobility Devices (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 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.

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 7301.09	RSA 12-A:2-c, II (a)
Res 7301.10	RSA 12-A:2-c, II (a) RSA 207:36-a
Res 7301.11 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 7301.29	RSA 12-A:2-c, II (a)
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 7303.07	RSA 12-A:2-c, II (a)
Res 7303.08 and Res 7303.09	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)