

## **NEW HAMPSHIRE FISH AND GAME DEPARTMENT**

### **NOVEMBER 28, 2007 COMMISSION MEETING**

Meeting Location: Fish and Game HQ, 11 Hazen Drive, Concord, NH 03301

Commissioners Present: T. Hubert, W. Morse, W. Carney, R. Phillipson, M. Kalter R. Rowan, T. Tichy, S. Guaraldi, G. Normandeau and S. Nottonson.

Commissioners Absent: P. Costa

Acting Executive Director Clarke - present

The Chairman called the meeting to order at 1:02 p.m., and asked the audience to join in the pledge of allegiance. He informed the audience that the public is entitled to attend all Commission meetings and when recognized may speak on any item on the agenda.

#### **ACTION ITEMS**

- 1.) Commissioner Morse moved to approve the October 17, 2007 Commission Minutes and Commissioner Carney seconded. The vote was unanimous in the affirmative.
  
- 2a.) Commissioner Hubert moved to accept a donation in the amount of \$500.00 from Stan & Deborah Kissell, to be utilized for search and rescue purposes and Commissioner Carney seconded. The vote was unanimous in the affirmative. Mr. Kissell fractured his ankle while hiking Mt. Israel in Sandwich Notch and made a donation to offset rescue expenses. He felt the donation was a small way to show his appreciation for his rescue by Law Enforcement personnel.
  
- 2b.) Commissioner Carney moved to accept a donation in the amount of \$50.00 from Craig and Monica Schwegman, to be utilized for search and rescue purposes and Commissioner Morse seconded. The vote was unanimous in the affirmative. These individuals were hiking Falling Waters Trail and eventually were fatigued and became overcome by darkness. Law Enforcement personnel were able to rescue the individuals.
  
- 2c.) Commissioner Guaraldi moved to accept a donation in the amount of \$200.00 from Mark W. Gregoire for rescue assistance provided to him in October 2007 in Pawtuckaway State Park and Commissioner Nottonson seconded. The vote was unanimous in the affirmative.
  
- 3.) Commissioner Tichy moved to approve the donation of labor and parts valued at \$405.00 to repair the Region 2 Office dry sprinkler system, from Ted Bryant, on behalf of the Groton Grunters Hunting Club and Commissioner Normandeau seconded. The vote was unanimous in the affirmative.
  
- 4a.) Chuck Miner, Landowner Relations Coordinator, and Judy Tumosa, Watershed Education Specialist, provided a brief overview of the Cochecho River Angler Access Project.

Chuck reported that the project was a partnership between the Landowner Relations Program, The Great Bay Chapter of Trout Unlimited, City of Dover, Department of Environmental Services Dam Bureau, The New Hampshire Wildlife Federation, New Hampshire Chapter of the National Wild Turkey Federation, and Fish and Game's Aquatic Resources Education Program. He further reported that the project would provide angler access to over 2.5 miles of previously posted Cocheco River frontage, along with an access point for physically challenged anglers. In addition to gaining angler access, the Aquatic Resources Education program will be working with the Great Bay Chapter of Trout Unlimited and the Dover School system to test and monitor Cocheco River fisheries and water quality.

Commissioner Kalter stated that he sits on the Great Bay Chapter of Trout Unlimited, therefore recused from voting, however, he encouraged Commission support for the project.

After the presentation, Commissioner Normandeau moved to approve the donation of \$300.00 from the Great Bay Chapter of Trout Unlimited and Commissioner Nottonson seconded. The vote was unanimous in the affirmative.

4b.) Commissioner Normandeau moved to approve three donations totaling \$750.00, from the below donors, to be utilized by the Landowner Relations Program and Commissioner Kalter seconded. The vote was unanimous in the affirmative.

Sullivan County Sportsmen -	\$300.00
Cheshire County Fish & Game -	\$200.00
Edward Savoy -	<u>\$250.00</u>
	\$750.00

5.) Steve Perry, Chief, Inland Fisheries Division, requested to expend \$9,050.00, from the Fisheries Habitat Account to cover the cost of the annual dam registration fees assessed by the Department of Environmental Services.

Steve reported that while doing some research it was determined that the dam registration fees were previously handled by the former Assistant Director, who brought this before the Commission at the February 2004 Commission Meeting and appears to have been granted blanket approval to pay these fees annually. Steve stated that he was not sure if that was the Commission's intent or not, however, if not, he suggested that the topic be revisited for clarification purposes.

Commissioner Normandeau reported that he received a letter from Representative Dennis Abbott that read as follows:

*Dear Mr. Chairman,*

*Regarding the agenda for the Commission meeting to be held on November 28, 2007, I was surprised and disappointed to see the following:*

*Approval to expend \$8,650.00 from the Fisheries Habitat Account to cover the cost of the annual dam registration fees assessed by the Department of Environmental Services.*

*It is my belief and understanding that the fisheries habitat funds are to be used for specific purposes and that appear in law under RSA 214:1g. As the prime sponsor of the legislation that created the Fisheries Habitat Program, I know that our intention was surely not to pay fees to another state agency for "dam registration fees". During our debates, it was frequently stated that the department would find ways to utilize the money for purposes other than those specifically intended and this, in my opinion, is one of those purposes. My winning argument during debate on the bill was that the department would appreciate our efforts and spend the money as intended.*

*The law describes five purposes for which the appropriations are to be utilized and "dam registrations fees" does not fit that criteria. I say that it does not fit the criteria because I know what our intentions were at the time. I consider this action a breach of faith between the legislative intent and the department.*

*I urge you to follow the intent of the law regarding expenditures from the Fisheries Habitat Account as well as the Wildlife Habitat Account. I wish this letter to be read into the record during the November 28th Commission Meeting, which I will be unable to attend due to my absence from the state on that day.*

*Respectfully,*

*Rep. Dennis F. Abbott  
Rock. District 12*

*cc: Acting Executive Director Donald Clarke*

Commissioner Carney stated that he felt the department was not in violation and believed that maintenance was an acceptable request.

Kathy LaBonte, Chief, Support Services, reported that the deadline to pay the registration fees was January 1, 2008.

Steve Perry, reported that the unappropriated balance in the Fisheries Habitat Account was \$606,986.50.

Much discussion ensued. Commissioner Normandeau moved to table the item until the December 2007 Commission Meeting, as the Commission would like to make contact with Representative Abbott and discuss the issue further, Commissioner Hubert seconded. The vote was unanimous in the affirmative.

6.) Commissioner Hubert moved to accept a donation in the amount of \$50.00 from James & Penelope Shanks of Keene, to be deposited into the small gifts & donations account and Commissioner Guaraldi seconded. The vote was unanimous in the affirmative. Kathy LaBonte, Chief, Support Services, reported that when Mr. Shanks went to purchase his license at the Region 4 Office in Keene, he was delighted to learn that he was eligible for a free over 68 license, therefore, made a gracious donation to the department.

7.) Commissioner Normandeau moved to approve the expenditure of up to \$2,490 from the game management account to contract services to provide up to 10 property acquisition packages from transferring properties from the Nature Conservancy to the Fish and Game Department and Commissioner Rowan seconded. The vote was unanimous in the affirmative.

8a.) Commissioner Normandeau moved to approve the marine rules as presented and Commissioner Kalter seconded. The vote was unanimous in the affirmative. John Nelson, Chief, Marine Division, reported that there was Public Hearing held on November 13th with no opposition to the proposals.

8b.) Commissioner Guaraldi moved to approve the wild turkey rules as presented and Commissioner Normandeau seconded. The vote was unanimous in the affirmative. Sandy Falicon, Rules/Legislative Coordinator, reported that there was a Public Hearing held on November 8th with few in attendance.

9.) After much discussion on scheduling an upcoming Commission Meeting at the Owl Brook Hunter Education Center in Holderness, Commissioner Guaraldi moved to table the item until Spring and Commissioner Morse seconded. The vote was unanimous in the affirmative.

#### **INFORMATION ITEMS:**

1.) Kathy LaBonte, Chief, Support Services, provided the monthly financial statement dated October 31, 2007. She reported that pay raises are reflected in this statement.

2.) Karen Bordeau, Pheasant Project Leader, provided an overview of the 2007 Pheasant sampling program. She reported that five drivers were asked to measure and assess 6 males and 6 female pheasant on each of 4 randomly selected stocking dates. Males and females were weighed to the nearest ounce in cloth sacks, tail length was measured on males, flight strength for males and females was assessed as weak or strong, depending upon a successful flight to cover following release, and males were assessed for the presence of an evident neck ring.

Karen reported that a total of 243 birds (122 males and 121 females) were measured and assessed. She reported that male weight ranged from 1.875 to 3.375 and averaged 2.5102 lbs, with the female weight ranging from 1.125 to 3.250 and averaged 1.7851. She reported that the male tail length ranged from 0.0 to 17.0 and averaged 9.5512 inches. She reported that the original vendor was faced with a hard rainstorm with high winds that killed the birds that were supposed to be stocked. Commissioner Guaraldi stated that she felt it was a good program and reported that she enjoyed the experience. She suggested continuing with the sampling process for a few years. Commissioner Hubert stated we should be thankful that the alternate vendor

could help us on such sort notice, however, admitted the birds were a bit small. He said he hoped for a successful bidding process next fall.

3.) Steve Weber, Chief, Wildlife Division reported that the bear kill as of November 9th was 581 statewide, up from last year's number of 346.

He reported that the game summary is completed, however, due to a mailing delay the survey reached hunters after the return deadline and few have been returned to the department to date. He reported that it was possible people are discarding them due to the deadline being past. It was suggested that a message be put on the website informing people of the delay in mailing the cards.

Due to time constraints for completion of the hunting season rulemaking process for 2008 and 2009, Steve requested the Commission move the January 2008 Commission Meeting to January 23, 2008, the fourth Wednesday of the month, vs. the usual third Wednesday of the month. Commissioner Kalter moved to change the January 2008 Commission Meeting to January 23, 2008 in order to allow the necessary time for the rulemaking process and Commissioner Carney seconded. The vote was unanimous in the affirmative.

#### **STANDING COMMITTEE REPORTS:**

**POLICY COMMITTEE:** Commissioner T. Hubert, Chair; Commissioners; Nottonson, Kalter, Rowan, and Costa. Commissioner Phillipson reported that he had a conversation with Peter Roth, Department's Legal Counsel, Attorney General's Office, who advised him that the Commission should have a phone available at Fish and Game Headquarters to utilize for emergency conference calls for voting on important legislative matters such a bills, among the Fish and Game Commission. He asked the Policy Committee take the issue on and continue to communicate with Peter Roth of the Attorney General's Office to derive a policy that works and is legal. Commissioner Nottonson suggested that Commissioner Phillipson write down the conversation he had with Peter Roth to be sure his recollection was accurate. Tanya stated that she would obtain Peter Roth's suggestion and recommendations on the issue in writing and circulate them via e-mail to the Commission when received from the Attorney General's Office. Commissioner Phillipson asked Commissioner Rowan to join the Policy Committee. Commissioner Rowan agreed.

**LEGISLATIVE COMMITTEE:** Commissioner S. Guaraldi, Chair; Commissioners Tichy, Carney, and Morse. Commissioner Guaraldi reported that the committee met the morning of the Commission Meeting and discussed the same issue Commissioner Phillipson and Counsel Roth discussed. She reported that the committee had a similar idea for voting on emergency issues. She asked the committee to keep the morning of the December 19, 2007 Commission Meeting free for a legislative meeting, time to be announced.

**RIVERS COMMITTEE:** Commissioner Morse; Commissioner Morse reported that the next meeting would take place on December 21, 2007. He reported that the committee is looking at any legislation that deals with rivers.

**LAKES COMMITTEE:** Commissioner Kalter; Commissioner Kalter reported that the committee met on November 16<sup>th</sup> to discuss the HB 710 Commission, which he represents the Lakes Management Advisory Committee on and serves as Clerk. He reported that the committee has 10 items they plan to investigate. He reported that the next meeting would take place on January 23, 2007.

**REVENUE COMMITTEE:** Commissioner Nottonson, Chair; Commissioners Morse and Guaraldi. Commissioner Nottonson reported that he did want to have a revenue meeting the morning of the December Commission Meeting, time to be announced, to discuss potential opportunities to improve search and rescue.

**COMMISSIONERS REPORTS:**

**COMMISSIONER HUBERT:** Commissioner Hubert reported that he had calls regarding the deer season and wildlife management unit questions. He thanked Brian Lemire from the Wildlife Division for providing the information Commissioner Guaraldi requested last month (maps). He reported that Sullivan County was trying to establish a suitable shooting club in the area.

**COMMISSIONER KALTER:** Commissioner Kalter reported that he received a request to extend the Merrymeeting River Season another month and a request to re-evaluate the current stocking policy on Barry's Brook. Steve Weber updated Commissioner Kalter on the status of the creation of additional turkey habitat position discussed at a previous meeting.

**COMMISSIONER NORMANDEAU:** Commissioner Normandeau reported that he recently attended the hearing on the coast regarding the marine rules. He reported that he attended the Biennial Hearing in Lancaster and the Big Brook Bog Dam event as well. He stated that the Big Brook Bog area would also provide a good location to fish.

**COMMISSIONER CARNEY:** Commissioner Carney reported that he received numerous calls commenting on how pleased people are with the woodcock season this year. Commissioner Carney reported that he received a call from Representative L'Heureux informing him of a rescue that Buck Mercier, supporter of the department, assisted in involving an injured man in Representative L'Heureux's moose hunting party. He reported that Buck and his hunting party took care of the moose, got it checked in and hung for the injured man while he was brought for medical attention. Representative L'Heureux told Commissioner Carney that he was very appreciative of Buck's assistance and couldn't thank him enough

**COMMISSIONER GUARALDI:** Commissioner Guaraldi reported that she had some local issues going on. She stated that she received calls regarding reciprocity on youth hunting and people feel it is time we make it happen. She reported that she attend the Enfield Outing Club Meeting, The New Hampshire Wildlife Federation Meeting, and Leave No Child Inside Event recently. She stated that she felt the "Leave No Child Inside" Event was excellent and a very important program. She further reported that she was on WNTK radio sometime around the beginning of the hunting season and had a great discussion.

**COMMISSIONER ROWAN:** Commissioner Rowan reported that he attended the Biennial Hearing in Lancaster and the Turkey Hearing in Concord. He further reported that he received a call from a local resident who wanted to thank Law Enforcement for making an arrest for taking an illegal deer in the area. The caller thought the Officers were very professional and handled the situation well.

**COMMISSIONER MORSE:** Commissioner Morse reported that he received a call from a constituent complaining of the draw weight on a bow and arrow and asked if it could be lowered for individuals who are unable to pull back that amount of weight. He reported that he received a few complaints regarding the increase in the turkey fee and complaints of posting the forest for no wheeled vehicles.

**COMMISSIONER NOTTONSON:** Commissioner Nottonson reported that a farm that is up for sale in Rockingham County is close to being sold. He stated that he believed the property would be open to activities with the exception of development. He reported that he received a letter from Fred Allen, sportsmen, expressing some concerns he had and believed that Director Clarke would be handling the issue.

**COMMISSIONER TICHY:** Commissioner Tichy reported that he received calls regarding lowering the draw weight for turkey as well, which would allow more youth to get involved. He reported that he received calls regarding conflicts between bear baiters and hound hunters, with reports that hunters are not able to get bears to come to bait due to the overlap in seasons. He further reported that he talked with a great deal of sportsmen at LL Cote's, Errol, NH, and heard comments to both sides of the issue relative to changes in Unit A. He reported that Buck Mercier, supporter of the department, had concerns regarding the number of bait sites on the Connecticut Headwaters Land and stated that he would like to see more than 20 sites on the land. He reported that he also received correspondence from Fred Allen and stated that Director Clarke would be responding to his concerns.

**COMMISSIONER PHILLIPSON:** Commissioner Phillipson reported that he was out of state for a while and returned to many messages and e-mails that he has been slowly responding to. He thanked the Commission for their support and faith in electing him for Commission Chairman. He further reported that he received comments regarding the archery season. He also received a comment/suggestion to allow judo points, which apparently are legal in many states.

**DIRECTOR'S REPORT:** Acting Director Clarke reported that he attended the Big Bog Brook Event and stated that it went very well. He reported that he also attended the "No Child Left Inside Event" and stated that he was pleased with the work that Public Affairs did in putting the event together. He stated, "The spirit of cooperation was great"! He further reported that Governor Lynch has developed a Task Force to further discuss EEE and reported that he would be attending a meeting in the Governor's Office to discuss the subject on November 29, 2007.

In addition, he reported that there would be a bill signing in the Governor's Office on Friday, November 30, 2007, for "Moose Hunt Adventure Permits". He stated that the event should get some positive publicity. In closing, he reported that the audit findings have been very

time consuming for much of the senior staff. He thanked staff for working together to collaboratively respond to the findings. He stated that the audit team's goal was to submit the report at the December 2007 Fiscal Committee Meeting, however, the team has informed the department that it would most likely be submitted in January or February of 2008 due to some delays on their part.

**PUBLIC COMMENTS:**

At this time, 3:59 p.m., Commissioner Tichy moved to adjourn and Commissioner Normandeau seconded. The vote was unanimous in the affirmative.

Respectfully submitted,

Patti Costa, Secretary

Approved: \_\_\_\_\_  
Robert Phillipson, Chairman

Date: \_\_\_\_\_