

COVER SHEET FOR FINAL PROPOSAL

Notice Number **2011-11**

Rule Number **Fis 301.06, Fis 301.09 (d), (i),(x)-
(bb) and 1102.06**

1. Agency Name & Address:

NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301

2. RSA Authority: **207:3-d I.; 208:1-a, II, II-a;
208:22 I. & III.; 208:24 III.**

3. Federal Authority: _____

4. Type of Action:

- Adoption
- Amendment
- Repeal
- Readoption
- Readoption with amendment

5. Short Title: **Fish and Game – Moose lottery and bear guide permit allocation**

6. Contact person for copies and questions:

Name: Sandra Falicon

Title: Legislative/Rules Coordinator

Address:

NH Fish and Game Dept
11 Hazen Drive
Concord, NH 03301

Phone #: 603-271-3511

7. Yes No Agency requests Committee legal counsel review and delayed Committee review pursuant to RSA 541-A:12, I-a.

8. The rulemaking notice appeared in the Rulemaking Register on February 4, 2011.

**SEE THE INSTRUCTIONS--PLEASE SUBMIT 2 COPIES OF THIS COVER SHEET
AND 2 COPIES OF THE FOLLOWING:
(and numbered correspondingly)**

9. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.

10. The full text of the RSA passage granting rulemaking authority.

11. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.

12. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(e).

13. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

207:3-d Baiting. –

I. The executive director shall adopt rules, pursuant to RSA 541-A, relative to the opening and closing of the season for the practice of baiting for coyote, furbearing animals, game birds, or game animals with the exception of gray squirrel.

II. No person shall engage in the act of baiting on the property of another unless he has secured from the owner or occupant of the property upon which the bait is to be deposited a permit in writing, signed by the owner or occupant, and until he has filed a copy of the permit with the conservation officer in whose district the person plans to bait, together with a topographic map or copy thereof showing the specific location of the bait site.

III. Notwithstanding the provisions of this section, persons holding a valid trapping license who have complied with the landowner permit requirements of RSA 210:11 shall be allowed to place bait for the trapping of fur-bearing animals during the open season.

IV. Notwithstanding the provisions of this section, the executive director may grant a special permit for scientific purposes, animal damage control, or for any other purpose at the discretion of the executive director.

V. Notwithstanding the provisions of this section, no person shall place bait less than 300 feet from a dwelling or public roadway, pathway or trail.

Source. 1991, 224:2. 1995, 59:1, eff. Jan. 1, 1996. 2008, 65:2, eff. July 20, 2008.

208:1-a Moose. –

I. No person shall hunt, take, or possess any moose or any part of the carcass of a moose taken in this state without first obtaining a valid license for such activities from the department of fish and game. The executive director of fish and game, with the consent of the commission, may establish, by rules adopted under RSA 541-A, a hunting season for moose in any county of the state, or any portion thereof. Such rules shall include, but not be limited to, the mode by which moose may be taken; the length of the season; requirements for reporting by hunters; sex limitations; and total take in any one year. The rules shall require that no moose shall be taken with rimfire firearms or with shotguns using shot loads including buckshot, and that in towns restricting weapon types for deer pursuant to RSA 207:3-b, 208:3, 208:3-a, 208:3-b, and 208:3-c, only weapon types allowed for deer shall be permitted for the taking of moose.

II. The executive director, with the consent of the commission, shall also adopt rules under RSA 541-A to regulate the issuance of licenses or permits, including the establishment of a lottery for awarding of permits to applicants, and to set fees for applications, licenses, or permits for both resident and nonresident applicants, provided the fee for nonresident permits shall be at least \$450.

II-a. Any permit lottery established under paragraph II shall include a bonus point system as a weighing factor to benefit applicants not drawn in the annual moose permit lottery. Beginning with the 2004 lottery, the moose permit lottery shall allow a person to accumulate one point for each consecutive year that person legally purchases an application for a permit but is not selected to receive a permit. Each point entitles that applicant to one chance in the lottery. A person's accumulated points shall be non-transferable and shall be forfeited if, in any year, that person is selected to receive a permit or that person fails to purchase a new chance.

III. [Repealed.]

IV. [Repealed.]

Source. 1965, 83:1. 1967, 14:1. 1985, 371:1. 1991, 352:1. 1993, 99:3, eff. April 29, 1993. 1996, 108:2, eff. Jan. 1, 1997. 2003, 189:1, 2, eff. Aug. 29, 2003. 2007, 220:7, VII, eff. July 1, 2007; 263:63, eff. July 1, 2007. 2008, 7:2, eff. July 4, 2008.

208:22 Wild Black Bear. –

I. The executive director, with the consent of the commission, shall adopt rules, pursuant to RSA 541-A, relative to opening and closing the seasons for the taking of wild black bear, fixing the number of wild black bear that may be taken and any other conditions governing the methods and manner of taking and reporting of the same. The authority of the executive director as granted by this section may be exercised with reference to the state as a whole or for any specified county or part of a county. Dog training shall be permitted in accordance with RSA 207:12-a.

II. No bear shall be taken at any time on any island or in any waters, lakes or ponds.

III. Dogs shall not be trained or used for taking bear from baited areas after a date as determined by the executive director in a rule adopted pursuant to RSA 541-A.

IV. [Repealed.]

V. Wild black bear may be taken by the aid and use of dogs, as permitted pursuant to RSA 208:22, I; by firearms; or by bow and arrow of at least 40 pound pull. No person shall take bear by the aid or use of a jack or artificial light, trap, snare, or set gun or .22 or smaller caliber rimfire firearm, unless otherwise provided in this section.

VI. Any person who kills a wild bear pursuant to this section shall report the kill in accordance with rules adopted under RSA 208:22, I.

VII. Landowners or their agents may set traps for bear doing actual or substantial damage to property. Such trapping shall only be permitted after the executive director or an agent of the executive director has been notified of damage and has investigated the complaint. The executive director or agent may then issue a special permit for the use of traps. The permit shall state the location of traps and the dates when trapping shall be allowed. Any traps set as described in this paragraph shall be arranged and set in accordance with RSA 210:15.

VIII. [Repealed.]

IX. (a) Whoever violates the provisions of paragraphs I, II, III, and VI shall, if a natural person, be guilty of a violation, and any other person shall be guilty of a misdemeanor, except that any person who exceeds the bag limit as determined pursuant to RSA 208:22, I shall be guilty of a misdemeanor.

(b) Whoever violates the provisions of paragraphs V, VII, VIII, and X shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony.

X. [Repealed.]

Source. 1961, 126:1. 1963, 311:1. 1965, 143:2. 1967, 46:1. 1971, 85:1. 1973, 528:121. 1983, 49:2. 1985, 99:1. 1987, 63:2. 1988, 212:1. 1991, 224:3-5. 1993, 178:1, eff. Aug. 8, 1993. 1996, 108:16, 20, I, eff. July 14, 1996. 2006, 19:3, eff. May 22, 2006.

208:24 Black Bear Management Program. –

I. The wild black bear has played a vital role in the development and history of the state and is recognized as a valuable game and wildlife resource. It is recognized that bears should be accorded such protection as is necessary to maintain and enhance their numbers.

II. No person shall take wild black bears in this state without first procuring a bear license and tag in addition to the applicable license to hunt issued pursuant to RSA 214 or RSA 208:5. The cost of the bear license and tag shall be \$15 for residents and \$47 for nonresidents.

III. The bear license and tag shall be in such form as determined by the executive director in rules adopted under RSA 541-A. The holder of a bear license and tag shall, upon killing a bear, fill out and securely attach to the bear's ear the bear tag bearing the name and address of the licensee and other information that the executive director determines to be appropriate. The bear tag shall remain attached to the bear as long as the bear carcass remains in the state. Only the bear tag issued to the licensee who killed the bear shall be attached to that bear. No person shall possess a bear tag that was not issued to that person. No person shall attach a bear tag to a bear the person did not kill.

III-a. A bear license shall not constitute satisfactory proof that the holder of such license previously had a hunting license issued to the holder in this state, or any other state, province or country as required under RSA 214:23-a.

IV. [Repealed.]

V. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Source. 1990, 178:1. 1991, 221:2, 3, eff. Aug. 9, 1991. 1996, 108:17, eff. July 14, 1996. 1998, 38:1, eff. Jan. 1, 1999. 2001, 180:2, eff. July 1, 2001. 2005, 81:1, eff. Jan. 1, 2006. 2007, 220:7, IX, eff. July 1, 2007.

Readopt with amendment Fis 301.06, effective 5-28-08 (Doc #9163), and amended 4-21-09 (Doc #9458), and amended 6-5-10 (Doc #9720-A, paras (a)-(n) & (p)-(t) and Doc #9720-B, para (o)) to read as follows:

Fis 301.06 Bear Season.

(a) For purposes of this section the state shall be divided into wildlife management units, as described in Fis 301.02.

(b) The open season for bear by the use of bow and arrow or firearms, by methods other than by the use and aid of dogs or bait shall be as follows:

(1) Wildlife management units H2, K, L and M shall open September 1 and close September 21;

(2) Wildlife management units A, B, C2, D1, G, H1, I1, I2, J1 and J2 shall open September 1 and close the day before firearms deer season as specified in Fis 301.03(e); and

(3) Wildlife management units C1, D2, E and F shall open September 1 and close the 14th day of the regular firearms season as specified in Fis 301.03(f).

(c) Black bear may be taken by the aid and use of bait in accordance with RSA 207:3-d, Fis 307.01 and Fis 307.02.

(d) Dogs may be used for taking bear in wildlife management units A, B, C1, C2, D1, D2, E, F, G, H1, I1, I2, J1 and J2 for 51 consecutive days ending the last day of the muzzleloader deer season as specified in Fis 301.03(e).

(e) Wild black bear may be taken by the aid and use of not more than 6 dogs, after obtaining a permit pursuant to Fis 1102.12.

(f) Training of bear dogs shall be in accordance with Fis 305.02.

(g) In addition to the requirements in RSA 207:3-e, no person shall use telemetry equipment to track or locate bear dogs within 300 feet of a building occupied as a person's principle place of abode.

(h) Licensed guides may guide for taking bear during the open season as specified in Fis 301.06(b), Fis 301.06(c), and Fis 301.06(d). The person licensed for guiding shall prior to guiding obtain from the department a permit to guide bear hunters. There shall be a limit of ~~50~~ **35** permits per season to guide for taking bear **by computer selection of random numbers** as specified in Fis 1102.06. ~~Bear guide permits shall be issued on a first come first served basis.~~

(i) Each licensed guide who has been issued a permit to take a bear as described in Fis 1102.06 shall be issued ~~up to a maximum of 6~~ guided bear transportation tags described in Fis 1102.07 subject to the following:

(1) All bear taken by hunters through the assistance of a licensed guide shall be tagged with both the hunters bear tag and a guided bear transportation tag from the guide who assisted the hunter;

(42) Section A of the tag shall be signed by the hunter and securely affixed to the carcass of the bear immediately upon killing the bear;

(23) Section A shall remain attached to the bear carcass or parts thereof until such time as the bear has been tagged by a New Hampshire conservation officer or fish and game personnel authorized by the director as required in Fis 301.06(p); and

(34) Section B of the guided bear transportation tag shall be completely filled out and mailed or forwarded by the licensed guide to fish and game headquarters, 11 Hazen Drive, Concord, NH 03301 within 5 days of the time of the kill.

(45) Guided bear transportation tags shall be non-transferable.

~~(5) Each licensed bear guide shall be issued 3 guided bear transportation tags along with their bear guide permit, with the option to be issued up to 3 additional tags subject to the following:~~

~~a. If the licensed bear guide has used all previously issued guided bear transportation tags, they may apply in person for one additional guided bear transportation tag, up to a maximum of 6 tags in total;~~

~~b. Guided bear transportation tags shall only be issued out of the Concord Headquarters; and~~

~~c. There shall be a maximum of 210 bear transportation tags issued any year statewide for all bear guides.~~

(j) Wild black bear shall not be taken except by:

- (1) Firearms of a size larger than .22 caliber rimfire;
- (2) A shotgun loaded with a single ball;
- (3) Muzzleloaders not less than .40 caliber; or
- (4) Bow and arrow of at least 40 pounds peak weight measured at 28 inches or less draw.

(k) No person shall use any device secured to or supported by the bow for the purpose of maintaining the bow string at full draw in a firing position.

(l) Except as provided in RSA 207:7-a, bear shall not be taken by a bow while the person is in or on a motorized vehicle.

(m) No arrow shall be used other than broadheads as follows:

- (1) Fixed blade broadheads shall not be less than 7/8 of an inch or more than 1 1/2 inches wide;
- (2) Retractable blade broadheads may be smaller than 7/8 of an inch wide in flight, but shall not be less than 7/8 of an inch wide when open;
- (3) There shall be no upper size limit on retractable blade broadheads; and

(4) When arrows are used to take bear, the name and address of the archer shall be plainly printed on each arrow.

(n) Immediately upon killing a bear the licensee shall fill in the appropriate bear tag, sign the tag and attach the tag to the bear.

(o) The bear tag shall contain the following:

- (1) The licensee's name and street address;
- (2) The date and time of kill; and
- (3) The wildlife management unit in which the kill occurred.

(p) Any person who kills wild bear pursuant to this section shall, within 12 hours from the time of taking, notify a conservation officer and, within 24 hours, exhibit the whole bear or the following body parts of a bear for tagging with a numbered seal by a New Hampshire conservation officer or fish and game personnel:

- (1) Entire carcass, skinned or quartered, excluding viscera;
- (2) Legs and feet;
- (3) Intact skull;
- (4) Hide; and
- (5) Sex organs, including teats from females so that a positive sex determination can be made.

(q) At the time of tagging, the conservation officer or fish and game personnel shall remove a tooth from such bear and record other information as specified in Fis 301.05.

(r) If requested, any person who kills a wild black bear shall be required to take fish and game personnel back to the kill site, the site of carcass evisceration, or both for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.

(s) No person shall take more than one wild black bear in a calendar year.

(t) No person shall take bear by trapping or snaring.

(u) No person shall possess the carcass or any part of the carcass of a wild black bear without the bear tag or registration seal attached to it or by special permission of the executive director or the executive director's agent.

(v) Notwithstanding Fis 301.06(u), no person shall possess a bear or any parts of the carcass of a bear given to the person by another unless each piece or package given to such person is clearly marked or labeled with the date of its receipt and the name and address of the donor.

Amend Fis 301.09, effective 6-5-10 (Doc #9720-A), by amending Fis 301.09 (d), (i) and (x), and inserting new paragraphs (y), (z) and (aa), and renumbering existing paragraph (y) as (ab), so that Fis 301.09(d), (i), (x), (y), (z), (aa), and (ab) are cited and read as follows:

Fis 301.09 Moose Season Lottery.

(d) Only one application per person shall be entered in the lottery and applications are non-transferable. Any person who provides an incorrect state of residency on an application shall be disqualified from the lottery process and shall not be eligible to receive a permit. State of residency for purposes of the moose lottery application process shall be the person's state of residence, pursuant to RSA 207:1, XXIII, at the deadline date for moose lottery applications. Proof of NH residency shall be the applicant's valid NH driver's license or NH non-driver's id card number issued by the NH department of safety, division of motor vehicles prior to the application deadline.

(i) A person's accrued points shall be lost if:

(1) The applicant fails to provide an eligible application for a given year's lottery;

(2) The applicant fails to provide notification of a driver's license number or non-driver identification number change as specified in (w);

(3) The successful applicant has paid the permit fee and does not return the permit by October 1 as specified in (t); or

(4) The applicant provides an incorrect state of residency as described in Fis 301.09(d)

(x) The executive director shall waive restrictions in the moose lottery process to delay the issuance of a moose permit for 1 year after being drawn due to a life-threatening illness or accident of the permittee or **the permittee's** active duty ~~in the military~~ **service, any** ~~of the permittee~~ which prevents the permittee from participating in the moose hunt.

(y) In order for the permit to be deferred, the permittee shall not have participated in any portion of the current year's moose hunt and shall provide the following:

(1) A request from the permittee to defer the permit which includes a brief explanation as to the deferment request signed subject to the penalties for making unsworn statements under RSA 641:3; and

(2) **Either:**

a. A signed statement from a physician stating that due to the permittee's medical condition the permittee is physically not able to participate in the current year's moose hunt; or

~~(3)~~**b.** In the case of active military service, federal documentation which shows that the permittee will be on active duty during the current year's moose hunt.

(z) The permittee shall notify department headquarters no later than 4pm on the third Friday of October of said intent to defer the current year's permit.

(aa) The information referenced in 301.09(y) and the permit shall be received at department headquarters no later than the second Friday of November.

(ab) The executive director shall authorize permits, in addition to the permits in (l)(2) d., if the director determines that a department error resulted in the rejection of an eligible application for a permit, provided the issuance will have no significant impact on the moose population and the application would have otherwise been successful based on its random number.

Readopt with amendment Fis 1102.06, effective 9-28-04 (Doc #8183), and amended 3-1-05 (Doc #8295) and 1-1-11 (Doc #9800-A, para (b) and Doc #9800-B, para (a)) to read as follows:

Fis 1102.06 Bear Guide Permit.

(a) A New Hampshire licensed guide shall make application to the New Hampshire fish and game department on Form F&G 401A by providing the following:

- (1) Name, address, telephone number of applicant;
- (2) New Hampshire hunting license number for the year in which the permit is sought;
- (3) New Hampshire hunting guide license number for the year in which the permit is sought;
- (4) Type of guiding whether with dogs, over bait, stalking or still hunting; and
- (5) Signature of applicant, signed subject to the penalties for making unsworn false statements under RSA 641:3.

(b) ~~Requests for bear guide permits shall only be accepted after April 15 of any year. Only one application per applicant shall be accepted.~~ **Only one application per applicant shall be accepted.**

(c) Illegible or incomplete applications shall be returned and not considered. Corrected applications may be resubmitted prior to the deadline specified in 1102.06(e) and 1102.06(f).

(d) Bear guide permits shall be issued by computer selection of random numbers and issued as follows:

- (1) Based upon the order of selection, the first 35 applicants drawn shall be awarded a permit to guide bear hunters;**
- (2) The remaining applicants shall be considered as alternates based upon the order in which they were drawn in the lottery.**
- (3) If a successful applicant returns their permit and 6 guided bear transportation tags prior to August 1, annually; the next available alternate will be awarded the permit;**
- (4) Permits shall not be reissued after August 31.**

(e) For the lottery for the 2011 hunting season:

- (1) Applications shall be received at department headquarters on or before 4:00 p.m. the last Friday of April.**
- (2) Permits shall be awarded on the first Friday in May by computer selection of random numbers. Successful applicants shall be notified by mail.**

(f) For the lottery for hunting seasons beginning in 2012:

- (1) Applications shall be received at department headquarters on or before 4:00 p.m. the last working day in December.**
- (2) Permits shall be awarded on the second Monday in January by computer selection of random numbers. Successful applicants shall be notified by mail.**

(g) Permits shall be non-transferable.

~~(d) Illegible or incomplete applications shall be returned and not considered. Corrected applications may be resubmitted.~~

Readopt with amendment Fis 301.06, effective 5-28-08 (Doc #9163), and amended 4-21-09 (Doc #9458), and amended 6-5-10 (Doc #9720-A, paras (a)-(n) & (p)-(t) and Doc #9720-B, *para (o)*) to read as follows:

Fis 301.06 Bear Season.

(a) For purposes of this section the state shall be divided into wildlife management units, as described in Fis 301.02.

(b) The open season for bear by the use of bow and arrow or firearms, by methods other than by the use and aid of dogs or bait shall be as follows:

(1) Wildlife management units H2, K, L and M shall open September 1 and close September 21;

(2) Wildlife management units A, B, C2, D1, G, H1, I1, I2, J1 and J2 shall open September 1 and close the day before firearms deer season as specified in Fis 301.03(e); and

(3) Wildlife management units C1, D2, E and F shall open September 1 and close the 14th day of the regular firearms season as specified in Fis 301.03(f).

(c) Black bear may be taken by the aid and use of bait in accordance with RSA 207:3-d, Fis 307.01 and Fis 307.02.

(d) Dogs may be used for taking bear in wildlife management units A, B, C1, C2, D1, D2, E, F, G, H1, I1, I2, J1 and J2 for 51 consecutive days ending the last day of the muzzleloader deer season as specified in Fis 301.03(e).

(e) Wild black bear may be taken by the aid and use of not more than 6 dogs, after obtaining a permit pursuant to Fis 1102.12.

(f) Training of bear dogs shall be in accordance with Fis 305.02.

(g) In addition to the requirements in RSA 207:3-e, no person shall use telemetry equipment to track or locate bear dogs within 300 feet of a building occupied as a person's principle place of abode.

(h) Licensed guides may guide for taking bear during the open season as specified in Fis 301.06(b), Fis 301.06(c), and Fis 301.06(d). The person licensed for guiding shall prior to guiding obtain from the department a permit to guide bear hunters. There shall be a limit of 35 permits per season to guide for taking bear by computer selection of random numbers as specified in Fis 1102.06.

(i) Each licensed guide who has been issued a permit to take a bear as described in Fis 1102.06 shall be issued 6 guided bear transportation tags described in Fis 1102.07 subject to the following:

(1) All bear taken by hunters through the assistance of a licensed guide shall be tagged with both the hunters bear tag and a guided bear transportation tag from the guide who assisted the hunter;

(2) Section A of the tag shall be signed by the hunter and securely affixed to the carcass of the bear immediately upon killing the bear;

(3) Section A shall remain attached to the bear carcass or parts thereof until such time as the bear has been tagged by a New Hampshire conservation officer or fish and game personnel authorized by the director as required in Fis 301.06(p); and

(4) Section B of the guided bear transportation tag shall be completely filled out and mailed or forwarded by the licensed guide to fish and game headquarters, 11 Hazen Drive, Concord, NH 03301 within 5 days of the time of the kill.

(5) Guided bear transportation tags shall be non-transferable.

(j) Wild black bear shall not be taken except by:

- (1) Firearms of a size larger than .22 caliber rimfire;
- (2) A shotgun loaded with a single ball;
- (3) Muzzleloaders not less than .40 caliber; or
- (4) Bow and arrow of at least 40 pounds peak weight measured at 28 inches or less draw.

(k) No person shall use any device secured to or supported by the bow for the purpose of maintaining the bow string at full draw in a firing position.

(l) Except as provided in RSA 207:7-a, bear shall not be taken by a bow while the person is in or on a motorized vehicle.

(m) No arrow shall be used other than broadheads as follows:

- (1) Fixed blade broadheads shall not be less than 7/8 of an inch or more than 1 1/2 inches wide;
- (2) Retractable blade broadheads may be smaller than 7/8 of an inch wide in flight, but shall not be less than 7/8 of an inch wide when open;
- (3) There shall be no upper size limit on retractable blade broadheads; and
- (4) When arrows are used to take bear, the name and address of the archer shall be plainly printed on each arrow.

(n) Immediately upon killing a bear the licensee shall fill in the appropriate bear tag, sign the tag and attach the tag to the bear.

(o) The bear tag shall contain the following:

- (1) The licensee's name and street address;
- (2) The date and time of kill; and
- (3) The wildlife management unit in which the kill occurred.

(p) Any person who kills wild bear pursuant to this section shall, within 12 hours from the time of taking, notify a conservation officer and, within 24 hours, exhibit the whole bear or the following body parts of a bear for tagging with a numbered seal by a New Hampshire conservation officer or fish and game personnel:

- (1) Entire carcass, skinned or quartered, excluding viscera;
- (2) Legs and feet;
- (3) Intact skull;
- (4) Hide; and
- (5) Sex organs, including teats from females so that a positive sex determination can be made.

(q) At the time of tagging, the conservation officer or fish and game personnel shall remove a tooth from such bear and record other information as specified in Fis 301.05.

(r) If requested, any person who kills a wild black bear shall be required to take fish and game personnel back to the kill site, the site of carcass evisceration, or both for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.

(s) No person shall take more than one wild black bear in a calendar year.

(t) No person shall take bear by trapping or snaring.

(u) No person shall possess the carcass or any part of the carcass of a wild black bear without the bear tag or registration seal attached to it or by special permission of the executive director or the executive director's agent.

(v) Notwithstanding Fis 301.06(u), no person shall possess a bear or any parts of the carcass of a bear given to the person by another unless each piece or package given to such person is clearly marked or labeled with the date of its receipt and the name and address of the donor.

Amend Fis 301.09, effective 6-5-10 (Doc #9720-A), by amending Fis 301.09 (d), (i) and (x), and inserting new paragraphs (y), (z) and (aa), and renumbering existing paragraph (y) as (ab), so that Fis 301.09(d), (i), (x), (y), (z), (aa), and (ab) are cited and read as follows:

Fis 301.09 Moose Season Lottery.

(d) Only one application per person shall be entered in the lottery and applications are non-transferable. Any person who provides an incorrect state of residency on an application shall be disqualified from the lottery process and shall not be eligible to receive a permit. State of residency for purposes of the moose lottery application process shall be the person's state of residence, pursuant to RSA 207:1, XXIII, at the deadline date for moose lottery applications. Proof of NH residency shall be the applicant's valid NH driver's license or NH non-driver's id card number issued by the NH department of safety, division of motor vehicles prior to the application deadline.

(i) A person's accrued points shall be lost if:

(1) The applicant fails to provide an eligible application for a given year's lottery;

(2) The applicant fails to provide notification of a driver's license number or non-driver identification number change as specified in (w);

(3) The successful applicant has paid the permit fee and does not return the permit by October 1 as specified in (t); or

(4) The applicant provides an incorrect state of residency as described in Fis 301.09(d)

(x) The executive director shall waive restrictions in the moose lottery process to delay the issuance of a moose permit for 1 year after being drawn due to a life-threatening illness or accident of the permittee or the permittee's active duty military service, any of which prevents the permittee from participating in the moose hunt.

(y) In order for the permit to be deferred, the permittee shall not have participated in any portion of the current year's moose hunt and shall provide the following:

(1) A request from the permittee to defer the permit which includes a brief explanation as to the deferment request signed subject to the penalties for making unsworn statements under RSA 641:3; and

(2) Either:

a. A signed statement from a physician stating that due to the permittee's medical condition the permittee is physically not able to participate in the current year's moose hunt; or

b. In the case of active military service, federal documentation which shows that the permittee will be on active duty during the current year's moose hunt.

(z) The permittee shall notify department headquarters no later than 4pm on the third Friday of October of said intent to defer the current year's permit.

(aa) The information referenced in 301.09(y) and the permit shall be received at department headquarters no later than the second Friday of November.

(ab) The executive director shall authorize permits, in addition to the permits in (l)(2) d., if the director determines that a department error resulted in the rejection of an eligible application for a permit, provided the issuance will have no significant impact on the moose population and the application would have otherwise been successful based on its random number.

Readopt with amendment Fis 1102.06, effective 9-28-04 (Doc #8183), and amended 3-1-05 (Doc #8295) and 1-1-11 (Doc #9800-A, para (b) and Doc #9800-B, para (a)) to read as follows:

Fis 1102.06 Bear Guide Permit.

(a) A New Hampshire licensed guide shall make application to the New Hampshire fish and game department on Form F&G 401A by providing the following:

- (1) Name, address, telephone number of applicant;
- (2) New Hampshire hunting license number for the year in which the permit is sought;
- (3) New Hampshire hunting guide license number for the year in which the permit is sought;
- (4) Type of guiding whether with dogs, over bait, stalking or still hunting; and
- (5) Signature of applicant, signed subject to the penalties for making unsworn false statements under RSA 641:3.

(b) Only one application per applicant shall be accepted.

(c) Illegible or incomplete applications shall be returned and not considered. Corrected applications may be resubmitted prior to the deadline specified in 1102.06(e) and 1102.06(f).

(d) Bear guide permits shall be issued by computer selection of random numbers and issued as follows:

- (1) Based upon the order of selection, the first 35 applicants drawn shall be awarded a permit to guide bear hunters;
- (2) The remaining applicants shall be considered as alternates based upon the order in which they were drawn in the lottery.
- (3) If a successful applicant returns their permit and 6 guided bear transportation tags prior to August 1, annually; the next available alternate will be awarded the permit;
- (4) Permits shall not be reissued after August 31.

(e) For the lottery for the 2011 hunting season:

- (1) Applications shall be received at department headquarters on or before 4:00 p.m. the last Friday of April.
- (2) Permits shall be awarded on the first Friday in May by computer selection of random numbers. Successful applicants shall be notified by mail.

(f) For the lottery for hunting seasons beginning in 2012:

- (1) Applications shall be received at department headquarters on or before 4:00 p.m. the last working day in December.

(2) Permits shall be awarded on the second Monday in January by computer selection of random numbers. Successful applicants shall be notified by mail.

(g) Permits shall be non-transferable.

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 301.06	207:3-d, 208:22, 208:24		
Fis 301.09 (d), (i),(x)- (bb)	208:1-a, II, II-a		
Fis 1102.06	208:22; 215:2		