

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Fis 301.03 (c); 301.031; 301.032;
301.05(c) & (d); and 301.06(p)**

<p>1. Agency Name & Address:</p> <p>NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: 208:5-b; 206:23-c; 208:22</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment XX</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment XX</p>
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5. Short Title: **Special deer permit for Governor’s Island; Long Island Deer Permits; and remove seals made from lead in the bear rules.**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The Department is proposing to readopt with amendment the special deer permit rule (Fis 301.031) to establish a special deer permit for taking deer on Governors Island, Town of Gilford. The proposed rule specifies the process and requirements for obtaining a permit, the manner and methods for taking deer, landowner permission, tagging and registration of deer and establishes a fee of \$10.00 for the permit. Fis 301.03(c) is being amended to add the reference to the special deer permit for Governor’s Island as an exception to the provision prohibiting hunting deer on islands.

The Department is proposing to readopt with amendment Fis 301.032 relative to the Long Island deer permit to eliminate the requirement of permittees having to report hunting activities.

The Department is proposing to amend Fis 301.051(c) & (d) and 301.06(p) as it no longer uses seals made from lead for sealing bear but still uses a numbered seal.

6. (b) Brief description of the groups affected:

These rule will affect persons taking deer on Governor's Island (Gilford) with a special deer permit; persons hunting on Long Island (Moultonborough); and persons who have taken and are having a seal put on a bear.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 301.03 (c)	208:2 I, 208:5, 208:5-a		
301.031	208:2 I, 208:5-b		
301.032	206:23-c, 207:10-c		
301.05(c) & (d)	208:22		
301.06(p)	208:22; 208:24		

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sandra Falicon**

Title: **Legislative/Rules Coordinator**

Address: **NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301**

Phone #: **603-271-3511**

Fax#: **603-271-1438**

E-mail: **comments@wildlife.state.nh.us**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **March 2, 2009**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **February 18, 2009 6:30pm**

Place:

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

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 09:004 , dated 1/15/2009

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When comparing proposed rules to existing rules, there would be an additional cost to state citizens to the extent that citizens wish to obtain a Special Deer Permit for Governor's Island. There would also be additional revenue to the fish and game fund associated with the sale of said special permits.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rules(s):

There are no additional costs to the Department attributable to the proposed rules. The proposed rules do however institute a new fee of \$10.00, allowable under RSA 208:5 (b), for the proposed special permit for Governor's Island.

A. To State general or State special funds:

The new fee of \$10.00 would benefit the Fish and Game Fund. The Department is unable to estimate the additional number of special permits that will be sold under the proposed rules.

B. To State citizens and political subdivisions:

To the extent that a citizen wishes to obtain a special deer permit, a \$10 fee would be incurred by the citizen. There would be no fiscal impact on political subdivisions.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed amendments of Fis 301.03(c), 301.05(c) & (d) and 301.06 (d) the readoption with amendment of Fis 301.031 and 301.032 relating to wildlife rules does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 301.03 (c)	208:2 I, 208:5, 208:5-a		
301.031	208:2 I, 208:5-b		
301.032	206:23-c, 207:10-c		
301.05(c) & (d)	208:22		
301.06(p)	208:22; 208:24		

Amend Fis 301.03 (c) effective 5-28-08 (Doc #9163) to read as follows:

Fis 301.03 Deer Season.

(c) No deer shall be taken at any time on any island or in any waters in lakes or ponds, except as specified in Fis 301.031(c) or Fis 301.032.

Readopt with amendment Fis 301.031 effective 5-28-08 (Doc #9163) to read as follows:

Fis 301.031 Special Deer Permits - Unit M, ~~and Archery Permits, and Governor's Island Permits.~~

(a) Persons licensed to take deer under RSA 214:9, RSA 208:5, or RSA 208:5-a may apply, as specified in (~~b~~5), for a special deer permit to take one additional deer in wildlife management unit M subject to the following:

(1) Persons taking deer under the provisions of Fis 301.031(a) shall not take a second deer until the first deer has been legally registered;

(+2) Deer taken under this permit shall be antlerless deer only;

(32) Deer may be taken by any legal method during the archery season as specified in Fis 301.03(d), the muzzleloader season as specified in Fis 301.03(e) and during the regular season as specified in Fis 301.03(f); ~~and~~

(34) Persons taking deer under a special deer permit in wildlife management M shall be licensed as follows:

a. An archery license under RSA 208:5 shall be required to take deer with a bow and arrow during the archery season specified in Fis 301.03(d);

b. A muzzleloader license under RSA 208:5-a and a regular hunting license under RSA 214:9 shall be required to take deer by a muzzleloader during the muzzleloader season as specified in Fis 301.03(e); and

c. A license under RSA 214:9 shall be required to take deer during the regular hunting season as specified in Fis 301.03(f); ~~and~~

(5b) There shall be 6000 special deer permits issued for wildlife management unit M as follows:

(+a) An applicant shall provide:

a1. Applicant's complete name and mailing address;

b2. Telephone number;

3e. Date of birth;

~~4~~d. Current year's resident or nonresident hunting or archery license number; and

~~5~~e. Signature of the applicant, signed subject to the penalties for unsworn false statements under RSA 641:3.

~~(2)~~b. Illegible or incomplete applications shall be returned for correction and not considered until corrected;

~~(3)~~c. Permits shall be issued on a first-come first-serve basis when received;

~~(4)~~d. No person shall submit more than one application for a special deer permit for wildlife management unit M;

~~(5)~~e. No person shall have more than one permit;

~~(6)~~f. Applicants may apply:

~~a~~1. At the fish and game department Concord headquarters at 11 Hazen Drive, Concord, NH 03301;

~~b~~2. By mail at the address above in ~~1.a.~~; or

~~e~~3. From the department's website at www.wildlife.state.nh.us; and

~~(7)~~g. The fee for permits shall be \$13.00 of which \$1.00 is the agent fee.

~~(e)~~b Persons may take by bow and arrow only one additional antlered deer under a special deer permit for archery from September 15 through December 15 in wildlife management units B through M and only a 2 point minimum antlered deer from September 15 through December 8 in wildlife management unit A- [subject to the following](#):

~~(1)~~d Persons taking deer under the provisions of Fis 301.031~~(b)~~ shall not take a second deer until the first deer has been legally registered~~;~~

~~(2)~~e The fee for the special deer permit described in ~~(b)~~e shall be \$15.00~~;~~

~~(3)~~f Immediately upon killing a deer the permittee shall fill in the appropriate deer tag, sign the tag and attach the tag to the deer~~;~~

~~(e)~~4 The deer tag shall contain the following:

~~(1)~~a. The licensee's name and address;

~~b.~~~~(2)~~ The date and time of kill; and

~~c.~~~~(3)~~ The wildlife management unit in which the kill occurred~~;~~

(5h) A person who purchases a special deer permit for archery shall purchase it at the same time they purchase an archery license pursuant to RSA 208:5-; and

(6i) Any person under the age of 16 and any person over 68 who has a license pursuant to RSA 214:7-a may purchase a special deer permit for archery at any time.

(c) Persons may take additional deer by bow and arrow on Governor's Island, Town of Gilford under the provisions of a Governor's Island special deer permit subject to the following:

(1) No person shall take deer on Governor's Island, Town of Gilford without a Governor's Island special deer permit in addition to the appropriate license to take deer under RSA 208:5 for taking a deer with a bow and arrow;

(2) Each applicant for a Governor's Island special deer permit shall provide written landowner permission on a form provided by the department;

(3) The landowner shall provide on a permission form the following:

a. The landowner's full name and signature;

b. The hunter's full name, and phone number;

c. The specific parcel(s) of land on Governor's Island, if the landowner owns more than one parcel;

d. An indication as to whether the landowner will allow baiting for deer;

e. A list of any other landowner stipulations regarding the hunting activities on the property such as but not limited to:

1. The specific days of the week;

2. Dates on which hunting will not be allowed;

3. Parking locations;

4. Times of the day that hunting will not be allowed;

5. Locations and removal of deer stands;

6. Distances from adjoining landowners; and

f. Date of signature; and

(4) The hunter shall provide on the permission form his or her signature and the date signed

(5) The landowner permission form shall be filled out in quadruplicate. The original shall go to the hunter, one copy to the local conservation officer, one copy to the wildlife division and the other copy shall be retained by the landowner;

(6) The Governor's Island special deer permit shall allow the taking of 6 deer of either sex;

(7) The taking of deer shall be in accordance with the manner and methods for taking deer with bow and arrow;

(8) The open season shall be the first weekday in October through December 15, except:

a. No person shall take deer on Saturday or Sunday until after October 31; and

b. No person shall take deer on Columbus Day or for 4 consecutive days beginning on Thanksgiving Day; and

(9) The taking of deer shall be from a portable tree stand at least 10 feet off the ground;

(10) Safety belts or harnesses shall be used;

(11) Baiting for deer shall be allowed under the Governor's Island special deer permit provided baiting shall be permissible as indicated on the landowner permission form. A permit to bait wildlife as required by Fis 1102.04 shall not be required;

(12) Immediately upon killing a deer, the permittee shall fill in the Governor's Island special deer tag with the date and time of kill, and sex of deer, sign the tag and attach it to the deer;

(13) All entrails of harvested deer shall be removed from the island;

(14) Deer taken under this permit shall be registered as specified in RSA 208:15-d and shall comply with the requirements of RSA 208:16;

(15) All deer wounded and not recovered shall be reported by calling (603) 271-3361 as soon as possible but not longer than 24 hours after the time the deer was wounded;

(16) Any person who has taken 6 deer under a Governor's Island deer permit as specified in 301.031(c) and the deer have been legally registered, may purchase a second Governor's Island special deer permit which shall allow the taking of 6 additional deer;

(17) Applicants for a second Governor's Island deer permit shall provide the first permit which has had the deer tags detached;

(18) Governor's Island special deer permits and the landowner permission form shall be carried by all persons while taking deer on Governor's Island;

(19) The fee for a Governor's Island special deer permit shall be \$10.00;

(20) The permit and the landowner permission shall expire on December 15th;

(21) Applicants for a Governor's Island special deer permit shall provide the following:

a. Name, address and telephone number;

b. Date of birth;

c. Current license number of the appropriate license for the intended method of hunting; and

d. Signature, signed subject to the penalties for unsworn false statements under RSA 641:3.

Readopt with amendment Fis 301.032 effective 5-26-04 (Doc #8085) as amended 5-25-05 (Doc #8357) and 7-6-07 (Doc #8931) to read as follows:

Fis 301.032 Long Island Deer Permit.

(a) The purpose of this rule is to reduce the over-population of deer which exists on Long Island in the town of Moultonborough, NH, through the regulated use of recreational hunters and then to maintain that population at a level equal to the adjacent mainland. Because deer densities are currently too high for the existing habitat conditions, and because extremely aggressive efforts are necessary to reduce over abundant deer populations, extraordinary measures must be taken to remove female deer. Because the island is heavily populated, and because landowner attitudes toward hunting vary, extra care must be taken to reduce any safety concerns and to increase the discreet nature of all actions taken.

(b) No person shall take deer on Long Island, Town of Moultonborough without a Long Island deer permit in addition to:

- (1) The appropriate license to take deer under RSA 208:5 when taking deer with a bow and arrow; and
- (2) A cross bow permit as specified in Fis 301.041 (1) when taking deer with a crossbow

(c) Hunting shall be allowed only on parcels which are equal to or greater than one acre, as listed on the Town of Moultonborough Master List, prepared in connection with the first tax bill of each tax year in May. Parcels of land may be individual tracts or combinations of adjoining parcels in aggregate.

(d) Each applicants for a Long Island deer permit shall provide written landowner permission on a form provided by the department.

(e) The landowner shall provide on a permission form the following:

- (1) The landowner's full name and signature;
- (2) The hunter's full name, and phone number;
- (3) The specific parcel(s) of land on Long Island, if the landowner owns more than one parcel;
- (4) An indication as to whether the landowner will allow baiting for deer;
- (5) A list of any landowner stipulations regarding the hunting activities on the property such as but not limited to:

- a. The specific days of the week;
- b. Dates on which hunting will not be allowed;
- c. Parking locations;
- d. Times of the day that hunting will not be allowed;
- e. Locations and removal of deer stands;
- f. Distances from adjoining landowners; and
- g. Type of bow; and

(6) Date of signature.

(f) The hunter shall provide on the permission form his or her signature and the date signed.

(g) The landowner permission form shall be filled out in quadruplicate. The original shall go to the hunter, one copy to the local conservation officer, one copy to the wildlife division and the other copy shall be retained by the landowner.

(h) The Long Island deer permit shall allow the taking of 6 deer of either sex.

(i) The taking of deer shall be in accordance with the manner and methods for taking deer with bow and arrow or crossbows as specified in Fis 301.041.

(j) The open season for taking deer by bow and arrow or crossbow shall be the first weekday in October through December 15, except:

(1) No person shall take deer on Saturday or Sunday until after October 31; and

(2) No person shall take deer on Columbus Day or for 4 consecutive days beginning on Thanksgiving Day.

(k) The taking of deer shall be from a portable tree stand at least 10 feet off the ground.

(l) Safety belts or harnesses shall be used.

(m) Baiting for deer shall be allowed under the Long Island deer permit provided baiting shall be permissible as indicated on the landowner permission form. A permit to bait wildlife as required by Fis 1102.104 shall not be required.

(n) Immediately upon killing a deer, the permittee shall fill in the Long Island deer tag with the date and time of kill, and sex of deer, sign the tag and attach it to the deer.

(o) All entrails of harvested deer shall be removed from the island.

(p) Deer taken under this permit shall be registered as specified in RSA 208:15-d and shall comply with the requirements of RSA 208:16.

~~(q) RESERVED~~

(~~q~~) All deer wounded and not recovered shall be reported by calling (603) 271-3361 as soon as possible but not longer than 24 hours after the time the deer was wounded.

(~~r~~) Any person who has taken 6 deer under a Long Island deer permit as specified in 301.032(h) and the deer have been legally registered, may purchase a second Long Island deer permit which shall allow the taking of 6 additional deer.

(~~s~~) Applicants for a second Long Island deer permit shall provide the first permit which has had the deer tags detached.

(~~t~~) Long Island deer permits and the landowner permission form shall be carried by all persons while taking deer on Long Island.

(~~u~~) The fee for a Long Island deer permit shall be \$10.00.

(~~v~~) The permit and the landowner permission shall expire on December 15th.

(~~w~~) Applicants for a Long Island deer permit shall provide the following:

- (1) Name, address and telephone number;
- (2) Date of birth;
- (3) Current license number of the appropriate license for the intended method of hunting;
- (4) An indication as to the type(s) of method used to take deer; and
- (5) Signature, signed subject to the penalties for unsworn false statements under RSA 641:3.

~~(y) Permittees shall submit a report of their hunting activities by December 31 each year.~~

~~(z) The hunting activity report shall include~~

- ~~(1) Name of permittee; and~~
- ~~(2) For each day hunted:~~
 - ~~a. Date;~~
 - ~~b. Number of hours hunted;~~
 - ~~c. Number of deer seen;~~
 - ~~d. Number and sex of deer killed; and~~

~~e.—Deer registration seal number.~~

Amend Fis 301.05(c) and (d), effective 6-1-06 (Doc #8644), to read as follows:

(c) The registering conservation officer or personnel authorized by the director shall puncture the skin of the bear and attach a numbered ~~lead~~-seal through the hole and securely ~~erimp~~-fasten the seal.

(d) The numbered ~~lead~~-seal shall not be removed from the skin of the animal until the skin is processed by tanning or other means.

Amend Fis 301.06 (p), effective 5-28-08 (Doc #9163), to read as follows:

(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 ~~lead~~-seal by a New Hampshire conservation officer or fish and game personnel: