

RULEMAKING NOTICE FORM

Notice Number _____ 1. Agency Name & Address: <p style="margin-left: 40px;">NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p>	Rule Number <u>Fis 602.17 and Fis 603.09(b)</u> 2. RSA Authority: <u>211:62 I. & II.</u> 3. Federal Authority: _____ 4. Type of Action: Adoption _____ Amendment _____ Repeal _____ Readoption <u>XX</u> Readoption w/amendment <u>XX</u>
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5. Short Title: Marine Rules – Commercial haddock length limit; commercial lobster helpers

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

The Department is amending the minimum length for haddock from 18 to 19 inches to be compatible with the length limit in Federal waters for haddock (Fis 603.09(b)). The Department is also readopting with no change Fis 602.17 relative to restrictions for persons assisting commercial lobster licensees.

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

The rules affect persons taking haddock or assisting in the taking of lobsters.

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 602.17	211:62; 211:20	16 USC 5101	
Fis 603.09(b)	211:62	16 USC 5101 and 1801	CFR 648.83

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: <u>comments@wildlife.state.nh.us</u>
	Ref: Marine rules

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: December 15, 2008

Fax E-mail **Ref: Marine rules** Other format (specify):

9. Public hearing scheduled for:

Date/Time & Place: **December 2, 2008 7pm**
Urban Forestry Center
45 Elwyn Road
Portsmouth, NH 03801

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

FIS # 08:218 , dated 10/22/2008

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
There is no cost associated with the proposed rules or the existing rules.
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 rule(s):**
There are no costs or benefits attributable to the proposed rules.
 - A. **To State general or State special funds:**
None.
 - B. **To State citizens and political subdivisions:**
None.
 - C. **To independently owned businesses:**
None.

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

The proposed amendment of Fis 603.09 and re adoption of Fis 602.17 relating to marine 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.

Readopt Fis 602.17 effective 3-23-01 (Doc #7464) to read as follows:

Fis 602.17 Commercial Lobster Helper.

(a) Whenever more than one person holds a commercial lobster license, whether it is commercial lobster license or limited commercial license, and the licensees are simultaneously on board and utilizing a single vessel to take lobster and crabs, the taking of lobsters and crabs shall be subject to the following:

- (1) Only one of the commercial licensees shall use a helper pursuant to RSA 211:20;
- (2) Only one helper shall be allowed on the vessel;
- (3) No person who is a helper pursuant to RSA 211:20 shall hold a commercial or limited lobster license except those individuals who held a commercial lobster license prior to 2001;
- (4) In addition to the helper's license the commercial licensee shall first obtain written approval from the executive director to utilize a helper;
- (5) The licensee in (4) shall provide the following:
 - a. The licensee's name;
 - b. The name and/or official number of the vessel on which the helper will be employed; and
 - c. A list of all commercial lobster licensees utilizing the vessel.
- (6) A limited commercial lobster licensee who did not hold a commercial lobster license prior to 2001 shall not utilize a person who currently holds a commercial lobster license or limited commercial license as a helper; and
- (7) The commercial licensee that uses a helper in accordance with this paragraph shall not assist the other commercial licensee(s) in any manner while taking lobsters. "In any manner" means such things as but not limited to operating the vessel, setting or hauling pots, traps or any other device used in the taking of lobsters and crabs.

(b) A commercial lobster licensee may request, in writing, a waiver of the provisions in (a) when there is a particular hardship. Hardship may include but not be limited to temporarily assisting another lobsterman whose vessel is disabled.

Amend Fis 603.09(b) effective 1-9-07 (Doc #8793) and amended 1-2-08 (Doc #9056) as cited and to read as follows:

Fis 603.09 Groundfish Restrictions.

(b) No person shall take or possess fish, except by recreational fishing as specified in (c), less than the minimum lengths specified in Table 600.00-a:

Table 600.00-a Commercial Size Limits

<u>Fish Species</u>	<u>Minimum Length Limit</u>
Atlantic cod	22 inches
Haddock	19 inches
Pollock	19 inches
Winter flounder	12 inches
Yellowtail flounder	13 inches
American plaice	14 inches
Redfish	9 inches

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 602.17	211:62; 211:20	16 USC 5101	
Fis 603.09(b)	211:62	16 USC 5101 and 1801	CFR 648.83