

RULEMAKING NOTICE FORM

Rule Number **Fis 302.01(g)(1), Fis 302.11-302.14,
Fis 303.01, Fis 303.09, Fis 303.10, Fis
305.01 and Fis 306.01**

Notice Number _____

1. Agency Name & Address:

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

2. RSA Authority: **206:10, 206:15-a, 207:56,
209:6-b, 209:12-a, 210:17,
210:23; 214:26**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment XX

Repeal _____

Readoption XX

Readoption w/amendment _____

5. Short Title: **Fish and Game – shot size for taking turkey & readoption of miscellaneous wildlife rules**

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

The Fish and Game Department is proposing to:

Amend Fis 302.01 (g)(1) relative to shot size for taking wild turkey from #2, #4, #5 and #6 to shot size of #2 or smaller;

Readopt with no changes Fis 302.11 relative to no open season for rails and gallinules; Fis 302.12 relative to season and limits for pheasant; Fis 302.13 relative to season and limits for northern bobwhite quail; Fis 302.14 relative to season and limits for rugged grouse, chucker partridge and Hungarian partridge, Fis 303.01 relative to the definition of “snare” or “snare trap”; Fis 303.09 relative to fur dealer reports; Fis 303.10 relative to taking the manner and methods for taking beaver and otter by snare; Fis 305.01 relative to the prohibition for training dogs at night and the exception for raccoons; and Fis 306.01 relative to areas closed to hunting because of danger to human life or property.

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

These rules will affect persons taking turkey, other game birds and furbearers; fur dealers ; persons training dogs on wildlife; and persons hunting near areas closed to hunting.

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 302.01(g)(1)	209:12-a		
Fis 302.11	209:6-b		
Fis 302.12, Fis 302.13, Fis 302.14	207:56		
Fis 303.01	210:17, 210:23		
Fis 303.09	214:26		
Fis 303.10	210:17, 210:23		
Fis 305.01	206:10		
Fis 306.01	206:15-a		

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** Phone #: **603-271-3511**
11 Hazen Drive Fax#: **603-271-1438**
Concord, NH 03301 E-mail: comments@wildlife.nh.gov
Subject line: Moose/bear permit allocations
 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: **October 17, 2011**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **October 6, 2011 6:30 pm**
 Place: **NH Fish and Game Department**
11 Hazen Drive
Concord, NH 03301

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

FIS # 11:126 , dated 08/26/11

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
 There is no difference in cost when comparing the proposed rules to 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 rules(s):

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 302.01(g)(1) and the readoption of Fis 302.11 -302.14, Fis 303.01, Fis 303.09, Fis 303.10, Fis 305.01 and Fis 306.01 relating to various 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.

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Amend Fis 302.01(g)(1), effective 6-5-10 (Doc #9720-A), to read as follows:

Fis 302.01 Wild Turkey.

(g) Taking shall be done subject to the following:

- (1) Shotguns between 10 and 20 gauge, inclusively, with shot size of ~~#2, 4, 5, and 6~~ **and smaller** shall be the only firearms and shot permitted;

Readopt Fis 302.11, effective 8/20/11 (Doc# 9977, Interim) to read as follows:

Fis 302.11 Rails and Gallinules. There shall be no open season for rails or for gallinules.

Readopt Fis 302.12, effective 5-26-04 (Doc #8085), to read as follows:

Fis 302.12 Pheasant.

- (a) The open season for pheasant shall be October 1 through December 31.
- (b) The daily bag limit shall be 2 pheasants and the season limit shall be 10 pheasants.

Readopt Fis 302.13, effective 5-28-08 (Doc #9163), to read as follows:

Fis 302.13 Northern Bobwhite Quail.

- (a) The open season for northern bobwhite quail shall open October 1 through December 31.
- (b) The daily bag limit shall be 4.

Readopt Fis 302.14, effective 5-26-04 (Doc #8085), to read as follows:

Fis 302.14 Ruffed Grouse/Partridge (*Bonasa umbellus*), Chukar Partridge (*Alectoris chuka*), and Hungarian Partridge (*Perdix perdix*).

(a) The season for ruffed grouse, chukar partridge, and Hungarian partridge shall open October 1 through December 31.

- (b) The daily limit shall be 4 ruffed grouse, chukar partridge, and Hungarian partridge.

Readopt Fis 303.01, Fis 303.09 and Fis 303.10, effective 5-26-04 (Doc # 8085), to read as follows:

Fis 303.01 Definitions.

(a) "Snare" or "snare trap" means a device made of wire, synthetic cord, or other material that is in the form of a noose with a slipknot, stop, swivel, or, eyelet holes and is designed or set with the intent of capturing an animal by the neck, leg or body. Snares include but are not limited to pole snare, neck snare and foot snare such as an Aldrich or Novack snare.

Fis 303.09 Fur Dealers Records.

(a) All persons licensed to buy furs and hides under RSA 214:26, shall keep a record of all furs and hides bought on form F&G 152, fur dealer's record book - furs purchased, which shall be sent to the department on or before July 30 of each year.

(b) The fur dealer's record book for furs purchased shall include the following:

- (1) Licensee's name, license number and signature;
- (2) The period covered by the record and date the report mailed to the department;
- (3) The following information for all transactions completed:
 - a. The date of the transaction;
 - b. The name, address and license number of the person from whom the purchase was made;
 - c. The number and species of fur and/or hides bought;
 - d. The price paid; and
 - e. All seal numbers recorded.

(c) All information shall be printed in legible manner.

(d) No furs or hides shall be bought unless the owner of the furs or hides is present, or the seller has the owner's name, address, license number and the number and species to be sold.

(e) All licensees shall carry on their persons a form F&G 152, the fur dealers record book for furs purchased, at all times when buying the skins of furbearing animals.

(f) All persons licensed to buy furs and hides under RSA 214:26, shall keep a record of all furs and hides sold on form F&G 152-A, fur dealer's record book - furs sold, which shall be sent to the department on or before July 30 of each year.

(g) The fur dealer's record book for furs sold shall include the following information:

- (1) Licensee's name, license number and signature;
- (2) The period covered by the record and the date the report mailed to the department; and

- (3) The following information for all transactions completed:
 - a. The date of the transaction;
 - b. The number and species sold; and
 - c. The name, address and license number to whom the furs and/or hides were sold.

Fis 303.10 Taking Beaver and Otter by Snares.

(a) In addition to any other requirements pertaining to trapping beaver and otter, the following rules shall apply to the taking of beaver and otter by snares:

- (1) Snares shall only be set in water or under the ice;
- (2) Each individual snare, whether set singularly or in the aggregate, shall be affixed with a durable tag denoting the name of the licensed trapper who sets, arranges or tends the snare;
- (3) All wildlife species other than beaver and otter taken alive shall be released at the snare site. If dead, the animal shall be turned over to the fish and game department within 72 hours; and
- (4) Trappers shall be able to account for all snares out at any time.

Readopt Fis 305.01 and Fis 306.01, effective 8/20/11 (Doc# 9977, Interim), as follows:

Fis 305.01 Prohibition on Night Training. Holders of dog training permits under Fis 1105.01 shall not train dogs at night except that night training shall be allowed when raccoons are the animal to be pursued.

Fis 306.01 Areas Closed to Hunting.

(a) Because of the danger to human life and property, the following areas shall be closed to the specified type of hunting as follows:

- (1) The Winnipisaukee River from the former cement bridge at the south end of Lake Winnisquam to Silver Lake shall be closed to waterfowl hunting;
- (2) Silver Lake in Tilton-Belmont shall be closed to waterfowl hunting in the following areas:
 - a. For a 300 yard radius along the eastern shore from the power dam to the point of land on the south side of the entrance to Gardners Grove; and
 - b. All of Gardners Grove;

- (3) The Squam River in the town of Holderness between Big and Little Squam Lakes, and the adjoining land area within 300 yards of the water area described shall be closed to all waterfowl hunting;
- (4) The Squam River, between Little Squam Lake and the town of Ashland, and the land area within 300 yards of the water shall be closed to all waterfowl hunting;
- (5) Big Squam lake including so-called Cotton Cove, south of a line from Kusumpee Point to the northeast tip of Pine Point and to the mouth of White Oak Brook, and that land and water area between White Oak Brook and Squam River north of Route 3 shall:
 - a. Be closed to all hunting; and
 - b. Include the land area 300 yards adjacent to the water area described;
- (6) Paugus Bay on Lake Winnepesaukee, known as Pickerel Cove and that area of Paugus Bay within a 300 yard radius from the mouth of Pickerel Cove, shall be closed to waterfowl hunting;
- (7) Lake Winnisquam shall be closed to waterfowl hunting in the following areas:
 - a. All area south of Winnisquam Bridge also known as Mosquito Bridge to and including Mohawk Island;
 - b. The eastern shore south of Mohawk Island, including Sun Ray Canal and the area known as Back Pond or Tucker Pond, to the red and black channel marker buoys at Sandy Beach and the mouth of Tucker or Durgin Brook;
 - c. The eastern shore of the lake north of Mosquito Bridge to and including Loon Island excluding that area from Hueber's sawmill north and east to the Laconia-Belmont town line;
 - d. All area north of Loon Island to the head end of the Lake; and
 - e. In all closed areas in a. through d. above, where a shoreline is mentioned, from the shoreline into the lake for a 300 yard radius;
- (8) Kendall Pond in Londonderry including all the pond and wetland created or flooded by waters held behind the dam on Beaver Brook at Kendall Pond Road shall be closed to all bird and waterfowl hunting. The land 300 yards adjacent to the water area shall be closed to all bird and waterfowl hunting;
- (9) Firehouse Pond in the town of Bow, located at the junction of Bow Center Road and Knox Road, shall be closed to the taking of waterfowl;
- (10) The area of Fresh Creek in Dover beginning at a point on Gulf Road 150 yards east of the intersection of Fresh Creek and Gulf Road, north 100 yards, west 300 yards, south 100 yards to Gulf Road, south 200 yards past Gulf Road, east 300 yards, and north 200 yards to the starting point shall be closed to all hunting;

- (11) The area of Cedar Point in Durham and Goat Island in Newington starting at the most western end of the Scammell Bridge on Route #4, then running south to the most eastern point of Goat Island; then running west along the northern side of said Island to the most western point, then running north to the historical Piscataqua Bridge sign on Route #4, then running east along Route #4 to the point of beginning shall:
- a. Be closed to waterfowl hunting; and
 - b. Include the land area 300 yards adjacent to the water area described;
- (12) Ottarnic Pond in the town of Hudson including all the wetlands adjacent to the pond shall be closed to all bird hunting and waterfowl hunting;
- (13) The entire, so called Town Line Cove on Great Bay on the Durham/Newmarket town line and including a 300 foot perimeter adjacent to the outer most tip of the Durham peninsula and 300 feet adjacent to the entire southern shore of the Newmarket peninsula, shall be closed to the taking of waterfowl;
- (14) The entire Pomeroy Cove on the Piscataqua River on Dover Point, and including a 300 foot perimeter adjacent to the outermost tip of the northern peninsula and 300 feet adjacent to the northern boundary of Hilton State Park, shall be closed to the taking of waterfowl;
- (15) The Merrimack River in the towns of Litchfield and Merrimack from the mouth of Chase brook north approximately 1200 yards to the northern most tip of the northern most island in the town of Litchfield shall be closed to waterfowl hunting; and
- (16) The Piscataqua River from the General Sullivan bridge in the town of Newington to the Sara Long bridge in the City of Portsmouth shall be closed to waterfowl hunting.

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 302.01(g)(1)	209:12-a		
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Fis 306.01	206:15-a		