

**RULEMAKING NOTICE FORM**

Notice Number

Rule  
Number

**Fis 301.03, 301.031, 301.06,  
301.07, 301.09, 301.10, 301.11,  
302.13, 303.02, 303.03, 303.04,  
303.05, 303.06, 303.07, 303.08,  
303.09, 303.091, 307.02, 308.07(c)  
and 1204.02**

<p>1. Agency Name &amp; Address:</p> <p><b>NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</b></p>	<p>2. RSA Authority: <b>207:56, 208:1-a, 208:2, 208:5-b, 208:22, 209:12-a, 210:23, 210:24-b</b></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u><b>XX</b></u></p> <p>Repeal <u><b>XX</b></u></p> <p>Readoption <u><b>XX</b></u></p> <p>Readoption w/amendment <u><b>XX</b></u></p>
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5. Short Title: **2008/2009 Wildlife rules**

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

**The Department is proposing rule changes for the 2008/2009 seasons to include:**

**Readopt with amendment Fis 301.03 relative to the deer seasons to propose changes to the number of either sex days or the length of the seasons in various wildlife management units (WMU) for archery, muzzleloader and regular firearms seasons;**

**Readopt with amendments Fis 301.031 relative to special deer permits to increase the number of special deer permits issued in WMU M from 5,500 to 6,000 and to issue 500 permits in WMU L, as well as to require the applicant to provide WMU preference on the application;**

**Readopt with amendment Fis 301.06 relative to the bear seasons to propose changes to the season in various WMUs for the taking of bear, including for taking over bait and with the use of dogs;**

**Readopt with amendment Fis 301.07 relative to moose to propose reducing the draw weight for bows from 60 to 40 pounds;**

**Readopt with amendment Fis 301.09 relative to moose to propose reducing the number of over all permits from 675 to 515 permits as well as to propose changes to the WMU allocation of either sex and/or antlerless only moose permits. This also includes a proposal to specify a deadline of 8 days prior to the moose season for the permittee to change their subpermittee;**

**Readopt with amendments Fis 301.10 relative to rabbits and hare to include a state wide hare season from October 1 to March 31, as well as changes in the daily bag limit in various WMUs for hares and rabbits;**

**Readopt with amendments Fis 301.11 relative to gray squirrel to include all WMUs in a statewide season from September 1 to December 31;**

**Readopt with amendment Fis 302.13 relative to quail lengthen the season to December 31, to reduce the daily bag limit to 4 and to eliminate the season bag limit of 25;**

**The Department is proposing to consolidate and simplify (and subsequently renumber) the furbearer rules by:**

**-Readopt with amendments Fis 303.011 (and renumber as Fis 303.02) relative to otter and beaver to add muskrat and mink in the same rule and establish a statewide season November 1 to April 10. Also establish the hunting season for mink and muskrat for the same dates;**

**Repeal existing Fis 303.02 relative to muskrat and mink.**

**Readopt with amendment Fis 303.03 relative to red and grey fox to add raccoon, opossum, skunk and weasel and make the seasons by WMU for all species;**

**Repeal existing Fis 303.04 relative to raccoon, opossum and skunk and existing Fis 303.041 relative to weasel;**

**Readopt with amendment Fis 303.05 (and renumber as Fis 303.04) to reduce the fisher season limit to 10 with no more than 5 from the combined area of WMUs C1, D2, E through M;**

**Readopt Fis 303.06 relative to bobcat and Fis 303.091 relative to marten or sable (no open seasons) and renumber as Fis 303.05 and Fix 303.07, respectively;and**

**Readopt with amendment Fis 303.09 (and renumber as Fis 303.06) relative to coyote to propose a state wide season October 15 through March 31;**

**Readopt with amendment Fis 307.02 relative to baiting for black bear to close the season in Units G, I1, J1 and J2 seven days earlier.**

**Amend Fis 308.07(c) relative to wildlife control operator forms to add license number on the report form.**

**Readopt Fis 1204.02 relative to special youth hunting days for deer in order to take public comment relative to who can participate in the youth hunt.**

**Deer populations in New Hampshire are heavily influenced by winter severity. Data collection to measure winter severity and therefore the impact on wintering deer populations is collected from December through April. Winter severity often varies markedly in different portions of the state, and the length of winter weather plays a key role in overall herd impacts. Updated information is a critical consideration in determining the proper hunting season regulations to achieve deer population objectives. This initial proposal for deer seasons is based on the assumption of average winter conditions. This winter appears more severe than average at this point, but the updated information we need to determine herd impacts will not be available until just prior to the public hearings on these rules. If necessary, it would be our intent to discuss how we might have to adjust for severe winter impacts on the deer herd and how this data might affect the initial proposal.**

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

**These rules affect persons wishing to take deer, bear, moose, small game and furbearers.**

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

<b>Rule(s)</b>	<b>State Statute (RSA)</b>	<b>Federal Statute</b>	<b>Federal Regulation</b>
<b>Fis 301.03</b>	<b>RSA 208:2, I, 208:5, 208:5-a</b>		
<b>Fis 301.031</b>	<b>RSA 208:2, I, 208:5-b</b>		
<b>Fis 301.06</b>	<b>RSA 207:3-d, 208:22, 208:24</b>		
<b>Fis 301.07</b>	<b>RSA 208:1-a</b>		
<b>Fis 301.09</b>	<b>RSA 208:1-a, II, II-a</b>		
<b>Fis 301.10, 301.11, 302.13,</b>	<b>RSA 207:56</b>		
<b>Fis 303.02 (renumbered from Fis 303.011), 303.02 (rpld), 303.03, 303.04 (rpld), 303.041 (rpld), Fis 303.04 (renumbered from 303.05), 303.05 (renumbered from Fis 303.06)</b>	<b>RSA 206:10; 210:23</b>		
<b>Fis 303.06 (renumbered from Fis 303.09)</b>	<b>RSA 206:10, 210:23, RSA 208:1-e</b>		
<b>Fis 303.07 (renumbered from Fis 303.091); Fis 303.08 (renumbered from 303.10)</b>	<b>RSA 210:23</b>		
<b>Fis 307.02</b>	<b>RSA 207:3-d, 208:1-e, 208:2</b>		
<b>Fis 308.07(c)</b>	<b>RSA 210:24-b</b>		
<b>Fis 1204.02</b>	<b>RSA 206:10; 208:2</b>		

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

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

Title: **Legislative/Rules Coordinator**  
Phone #: **603-271-3511**  
Fax#: **603-271-1438**  
E-mail: [comments@wildlife.state.nh.us](mailto:comments@wildlife.state.nh.us)

**Ref: 2008/09 Wildlife 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: **April 14, 2008**

Fax

E-mail

Other format (specify):

**Ref: 2008/09 Wildlife rules**

9. Public hearing scheduled for:

Date/Time &  
Place:

**March 31, 2008 6:30 p.m.**  
NH Fish and Game, Region 1  
North Country Resource Center  
629 B Main Street  
Lancaster, NH 03584

**April 1, 2008 6:30 p.m.**  
Keene High School  
43 Arch Street  
Keene, NH 03431

**April 3, 2008 6:30 p.m.**  
N.H. Fish and Game Department Headquarters  
11 Hazen Drive  
Concord, NH 03301

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

FIS # **08:028** , dated **2/26/2008**

- 1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**  
When compared to the existing rules, the proposed rules will decrease state restricted revenue and decrease costs to citizens by \$20,450 per year.
- 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 changes to specific fees in these rules, however, the number permits authorized is changing which may result in an increase in revenue from special deer permits and a decrease in revenue from moose permits.

**A. To State general or State special funds:**

FIS 301.031 increase the number of special deer permits in Wildlife Management Unit (WMU) M, by 500 and issue 500 permits in WMU L. These additional 1,000 permits are expected to increase revenue by \$13,000 (1,000 permits x \$13 fee) to the Fish and Game Fund.

FIS 301.09 decreases the number of moose permits by 160 permits over several WMUs. Based on the nonresident permits drawn during the 2007 lottery, the Department estimates that 27 permits (17% of the 160 permits) would have been issued to nonresidents at \$500 per permit and the remaining 133 permits issued to residents at \$150 per permit. The revenue decrease from this rule change is \$33,450 ((27 permits x \$500) + (133 permits x \$150)). As of January 1, 2009, all license and permit revenue from the moose will be deposited into the Fish and Game Fund and then \$10 from each license or permit will be deposited into the Game account.

The net revenue decrease from these rule changes totals \$20,450 (\$13,000 - \$33,450).

**B. To State citizens and political subdivisions:**

To the extent citizens hunt deer or moose, see fiscal impacts in 3.A. above.

**C. To independently owned businesses:**

None.

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

The proposed readoption with amendments of Fis 301.03, 301.031, 301.06, 301.07, 301.09, 301.10, 301.11, 302.13, 303.011, 303.03, 303.05, 303.09, and 307.02, and renumbering of Fis 303.011, 303.05 and 303.09; the readoption and renumbering of Fis 303.06 and 303.091 and readoption of Fis 1204.02; the repeal of Fis 303.02, 303.04, and 303.041; and the amendment of Fis 308.07(c), relating to 2008/2009 wildlife rules do 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**

<b>Rule(s)</b>	<b>State Statute (RSA)</b>	<b>Federal Statute</b>	<b>Federal Regulation</b>
<b>Fis 301.03</b>	<b>RSA 208:2, I, 208:5, 208:5-a</b>		
<b>Fis 301.031</b>	<b>RSA 208:2, I, 208:5-b</b>		
<b>Fis 301.06</b>	<b>RSA 207:3-d, 208:22, 208:24</b>		
<b>Fis 301.07</b>	<b>RSA 208:1-a</b>		
<b>Fis 301.09</b>	<b>RSA 208:1-a, II, II-a</b>		
<b>Fis 301.10, 301.11, 302.13,</b>	<b>RSA 207:56</b>		
<b>Fis 303.02 (renumbered from Fis 303.011), 303.02 (rpld), 303.03, 303.04 (rpld), 303.041 (rpld), Fis 303.04 (renumbered from 303.05), 303.05 (renumbered from Fis 303.06)</b>	<b>RSA 206:10; 210:23</b>		
<b>Fis 303.06 (renumbered from Fis 303.09)</b>	<b>RSA 206:10, 210:23, RSA 208:1-e</b>		
<b>Fis 303.07 (renumbered from Fis 303.091); Fis 303.08 (renumbered from 303.10)</b>	<b>RSA 210:23</b>		
<b>Fis 307.02</b>	<b>RSA 207:3-d, 208:1-e, 208:2</b>		
<b>Fis 308.07(c)</b>	<b>RSA 210:24-b</b>		
<b>Fis 1204.02</b>	<b>RSA 206:10; 208:2</b>		

Readopt with amendments Fis 301.03 and Fis 301.031 effective 7-6-07 (Doc #8931) to read as follows:

Fis 301.03 Deer Season.

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

(b) Wild deer shall be taken only from 1/2 hour before sunrise to 1/2 hour after sunset during the open seasons for taking deer.

(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 301.032.

(d) A person holding a license as described in RSA 208:5, may take deer with bow and arrow in all of the wildlife management units and Bear Brook Refuge, subject to the following:

(1) The open season for taking of any deer with bow and arrow in wildlife management units B through M shall be from September 15 to December 15;

(2) The open season for taking of 2 point minimum antlered deer and antlerless deer with bow and arrow in wildlife management unit A shall be September 15 to December 8;

(3) Notwithstanding any other rules, a person holding an archery license may take one deer pursuant to RSA 208:5, under such license;

(4) Any person taking deer pursuant to Fis 301.03(d) shall retain the head and hide for 48 hours from the time of registration;

(5) No bow shall be used for taking deer unless it will pull at least 40 pounds peak weight measured at 28 inches or less draw;

(6) No mechanically-drawn or released bow shall be used;

(7) Except as provided in RSA 207:7-a, deer shall not be taken by a bow while the person is in or on a motor vehicle;

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

(9) No arrow shall be used other than broadheads;

(10) Fixed blade broadheads shall not be less than 7/8 of an inch or more than 1 1/2 inches wide;

(11) 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;

(12) There shall be no upper size limit on retractable blade broadheads; and

(13) The name and address of the archer shall be plainly printed on each arrow.

(e) A person holding a muzzleloader license pursuant to the provisions of RSA 214 and RSA 208:5-a may take deer with a muzzleloading firearm, during the 11 days immediately prior to the regular firearms season specified in (f) ~~in wildlife management units B through M and during the 9 days immediately prior to the regular firearms season specified in (f) in wildlife management unit A~~ as follows:

(1) No other firearm shall be used for the taking of deer during the period specified in (e);

(2) Muzzleloading firearms shall be a single barrel, single shot firearm of no less than .40 caliber;

(3) No person shall have in possession while taking deer more than one muzzleloading rifle and one muzzleloading handgun;

(4) The wildlife management units D1, ~~D2~~, G, I1, I2, and J1 shall be open to the taking of any deer during the first day of the season and to the taking of antlered deer only during the remaining 10 days of the season;

(5) The wildlife management units ~~B~~, C1, C2, ~~D2~~, E, ~~and F, H1 and H2~~ shall be open to the taking of any deer during the first 2 days of the season and to the taking of antlered deer only during the remaining 9 days;

(6) The wildlife management units ~~J2-B, H1, H2~~ and K shall be open to the taking of any deer during the first 3 days of the season and to the taking of antlered deer only during the remaining 8 days of the season;

(7) The wildlife management unit A shall be open to the taking of antlerless deer and 2 point minimum antlered deer during the first 3 days of the season and to the taking of 2 point minimum antlered deer only during the remaining ~~6-8~~ days of the season;

(8) The wildlife management units J2 shall be open to the taking of any deer during the first 4 days of the season and to the taking of antlered deer only during the remaining 7 days of the season; and

~~(89)~~ The wildlife management unit L and M shall be open to the taking of any deer during all 11 days of the season.

(f) The season for taking deer by all legal methods shall be open for a period of 26 consecutive days beginning on the second Wednesday in November in wildlife management units B through M and 19 consecutive days in wildlife management unit A.

(g) Deer shall only be taken during the regular deer season as specified in (f) as follows:

(1) The wildlife management units C1, C2, D1, E, F, ~~G~~, and J1 shall be open only to the taking of antlered deer;

(2) The wildlife management units ~~D2G~~, I1 and I2, shall be open to the taking of any deer during the first day of the season and to the taking of antlered deer only during the remaining 25 days of the season;

(3) The wildlife management unit A shall be open to the taking of antlerless deer and 2 point minimum antlered deer during the first 2 days of the season and to the taking of antlered deer only during the remaining 17 days of the season;

(4) The wildlife management units B; and D2H1, H2, J2 and K shall be open to the taking of any deer during the first 2 days of the season and to the taking of antlered deer only during the remaining 24 days of the season;

(5) The wildlife management units H1, H2, J2, and K shall be open to the taking of any deer during the first 3 days of the season and to the taking of antlered deer only during the remaining 23 days of the season; and

~~(56)~~ The wildlife management unit L and M shall be open to the taking of any deer during the first 10 days of the season and to the taking of antlered deer only during the remaining 16 days of the season.

(h) No person shall take more than one deer in a calendar year, except as provided in RSA 208:5, RSA 208:5-b, Fis 301.03(d), Fis 301.031, and Fis 301.032.

(i) No shell shot, other than those using shot sizes of 00 buckshot or larger, shall be used for the taking of deer.

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

(k) The deer tag shall contain the following:

(1) The licensee's name and street address;

(2) The date and time of kill;

(3) The wildlife management unit in which the kill occurred; and

(4) Signature.

(l) If requested, any person taking a deer shall take fish and game personnel back to the kill site and/or the site of carcass evisceration for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.

(m) Any person found guilty of violating this section shall be subject to the penalties of RSA 208:21, V.

Fis 301.031 Special Deer Permits - Unit L, Unit M and ~~Permit and Archery 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), for a special deer permit to take one additional deer in wildlife management unit L or M subject to the following:

- (1) Deer taken under ~~this~~ these permits shall be antlerless deer only;
- (2) 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
- (3) Persons taking deer under a special deer permit in wildlife management L or 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).

(b) There shall be ~~5500-6000~~ special deer permits issued for wildlife management unit M and 500 special deer permits in wildlife management unit L as follows:

- (1) An applicant shall provide:
  - a. Applicant's complete name and mailing address;
  - b. Telephone number;
  - c. Date of birth;
  - d. Current year's resident or nonresident hunting or archery license number;
  - e. Wildlife management unit preference; and
  - ef. Signature of the applicant, signed subject to the penalties for unsworn false statements under RSA 641:3.
- (2) Illegible or incomplete applications shall be returned for correction and not considered until corrected;
- (3) Permits shall be issued on a first-come first-serve basis when received;
- (4) No person shall submit more than one application for a special deer permit for wildlife management unit L or M;

(5) No person shall have more than one L or M permit per year;

(6) Applicants may apply:

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

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

c. From the department's website at [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us); and

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

(c) 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.

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

(e) The fee for the special deer permit described in (c) shall be \$15.00.

(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.

(g) The deer tag shall contain the following:

(1) The licensee's name and address;

(2) The date and time of kill; and

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

(h) 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.

(i) 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.

Readopt with amendment Fis 301.06 effective 6/1/06 (Doc #8644), as amended effective 7/6/07 (doc #8931), 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, and D1, G, H1, I1, I2, J1 and J2 shall open September 1 and close the day before muzzleloader-firearms deer season as specified in Fis 301.03(e);~~

~~(2) Wildlife management units G, H1, J1, J2, L and M shall open September 1 and close at the end of the muzzleloader deer season as specified in Fis 301.03(e);~~

(3) Wildlife management units C1, ~~C2, D2, E, and F, H1 and I2~~ shall open September 1 and close the ~~7<sup>th</sup>-14<sup>th</sup>~~ day of the regular firearms season as specified in Fis 301.03(f); and

~~(4) Wildlife management units H2 and K shall open September 1 and close on October 5.~~

(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, L and M~~ 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, telemetry equipment may be used subject to the following:

(1) 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; and

(2) No person shall use a telemetry frequency not designated on the application for a permit to use dogs filed under Fis 1102.12.

(h) Licensed guides may guide for taking bear during the open season as specified in Fis 301.06(b). 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 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 6 guided bear transportation tags described in Fis 1102.07. subject to the following:

(1) 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;

(2) 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

(3) 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.

(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 lead 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.

Readopt with amendment Fis 301.07 and Fis 301.09 effective 5/26/04 (Doc #8085), as amended effective 5/25/05 (Doc #8357) and as amended, effective 7/6/07 (Doc #8931), to read as follows:

Fis 301.07 Moose Season.

(a) "Antlered moose" means a moose which has at least one antler 6 inches long measured from the tip of the main beam along the distal edge of the antler to the base of the antler burr at the skull.

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

(c) The moose season shall be 9 consecutive days and shall open on the third Saturday in October.

(d) No moose shall be taken with the aid or use of dogs.

(e) No person other than the permittee and subpermittee shall participate in a joint hunt to take moose except that the permittee may employ one licensed guide. The licensed guide may direct, aid, assist, or instruct the permittee and subpermittee but shall not shoot a moose.

(f) No aircraft shall be used to locate moose or communicate the location of moose during the open moose season.

(g) No radio telemetry equipment, electronic calls, cell phones, radio transceivers, pagers or other communication devices shall be used to attract or take moose.

(h) No moose shall be taken within 300 feet of a class 1, 2, 3, 4 or 5 highway, as classified pursuant to RSA 229:5. For purposes of this section both the hunter and the moose shall be not less than 300 feet from a class 1, 2, 3, 4, or 5 highway.

(i) No moose shall be taken with rimfire firearms or with shotguns using shot loads including buckshot. In towns restricted to weapon types pursuant to RSA 207:3-b, 208:3, 208:3-a, 208:3-b, and 208:3-c, only shotguns loaded with a single ball, muzzle-loading rifle, or bow and arrow shall be permitted for the taking of moose.

(j) A person holding a current moose permit or subpermittee's permit may hunt moose with a muzzle loading firearm of not less than .45 caliber.

(k) No bow shall be used for hunting moose unless it will pull at least ~~60~~40 pounds peak weight measured at 28 inches or less draw.

(l) No mechanically-drawn or released bow shall be used, and moose shall not be taken by a strung bow from a motor vehicle.

(m) No arrow head 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 in such hunting the name and address of the person shall be plainly printed on each arrow.

(n) Only one moose shall be taken per permittee/subpermittee combination.

(o) Moose may be taken in the water.

(p) The permittee or the subpermittee may shoot the moose, but it shall be the responsibility of the permittee to tag the moose immediately upon killing, remove the moose and transport it to the biological check station as required by Fis 301.08.

(q) The moose tag shall contain the following:

(1) The licensee's signature;

(2) The date and time of kill;

(3) Town of kill;

(4) Specific location of kill; and

(5) The wildlife management unit in which the kill occurred.

(r) The permittee shall remain with the moose during transportation to the biological check station. If the moose is shot by the subpermittee, both the permittee and subpermittee shall go to the check station to check the moose.

(s) The permittee and subpermittee shall only hunt in the wildlife management unit to which they are assigned by the department.

(t) The subpermittee shall always be accompanied by the permittee while hunting moose. All subpermittees shall be within sight and hearing, excluding electronic devices, when actual physical direction and control can be effected pursuant to RSA 207:1, XXX. All subpermittees under the age of 16 shall be accompanied by a permittee 18 years of age or older.

(u) The moose tag shall remain with the moose at all times until the moose is sealed at the biological check station, pursuant to RSA 208:9.

(v) Once the moose has been sealed as provided in Fis 301.07(u), a moose may be transported during the open season, and for 10 days after, if the moose is accompanied by the person who legally took the moose.

(w) If the moose carcass is placed in the custody of another person or a licensed common carrier, the moose shall, in addition to the registration tag, have a tag plainly marked with the name of the consignor, the name of the consignee, the point of shipment, and the destination.

(x) The permittee, subpermittee, or both if requested, shall return with or without fish and game department personnel to the kill site, the site of 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.

(y) Each permittee or subpermittee shall carry a moose permit and each permittee and subpermittee 16 years of age or older shall carry a hunting license at all times when hunting for moose and registering the moose at the check station. Subpermittees under the age of 16 shall not be required to carry a hunting license.

(z) Any person leaving moose parts in the field shall place parts out of sight of roads traveled by conventional vehicles.

Fis 301.09 Moose Season Lottery.

(a) Application for the moose season lottery shall be made on an application described in Fis 1102.08.

(b) The applicant shall be at least 16 years of age by the application deadline.

(c) A non-refundable fee of \$15 for residents or \$25 for nonresidents, payable to New Hampshire fish and game department by cash, check or money order, shall accompany each application.

(d) Only one application per person shall be entered in the lottery. Any person who turns in 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.

(e) Illegible applications and incomplete applications shall be returned and not considered. Corrected applications may be resubmitted.

(f) No late entries shall be accepted.

(g) Bonus points shall be accrued in accordance with RSA 208:1-a, II-a.

(h) No person shall accrue more than one point in a given year's lottery.

(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 (x); or

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

(j) All applications shall be:

(1) Turned in to the department headquarters by 4:00 p.m. on the last Friday in May;

(2) Postmarked no later than midnight on the last Friday in May; or

(3) Submitted on-line as long as the transaction was started prior to midnight eastern daylight time on the last Friday in May.

(k) Applications shall be assigned a number on a first come first served basis when received at the department headquarters. Self-addressed and stamped receipts shall be returned as notification that the application has been received.

(l) The lottery drawing shall be:

(1) Held after the season dates have been adopted by rules; and

(2) Conducted in the following manner:

a. Selection of winning numbers shall be done by computer selection of random numbers;

b. A total of 675-515 application numbers shall be drawn;

c. A total of 300 additional numbers shall be drawn as alternates;

d. The ~~675-515~~ moose permits shall be allocated as specified in Table 300.01 below:

Table 300.01 Moose Permit Allocation Table

<u>Wildlife management Unit</u>	<u>No. of Permits For Either Sex Moose</u>	<u>No. of Permits Restricted To Antlerless Moose Only</u>
A1	<del>30</del> 15	15
A2	<del>75</del> 25	<del>35</del> 25
B	<del>65</del> 35	15
C1	<del>25</del> 15	<del>0</del> 10
C2	<del>40</del> 15	<del>10</del> 5
D1	<del>30</del> 15	<del>10</del> 5
D2	<del>30</del> 25	<del>0</del> 15
E1	<del>25</del> 5	<del>0</del> 5
E2	5	0
E3	<del>30</del> 10	<del>0</del> 5
F	<del>30</del> 35	<del>0</del> 20
G	<del>50</del> 55	0
H1	15	0
H2-north	5	0
H2- south	5	0
I1	<del>15</del> 20	0
I2	<del>40</del> 30	0
J1	<del>15</del> 10	0
J2	<del>25</del> 30	0
K	<del>15</del> 10	0
L	10	0
M	<del>10</del> 5	0

e. Based on the order of computer selection, applicants shall be assigned a permit as follows:

1. Applicants shall be assigned a permit for either sex moose in a wildlife management unit indicated on their application;

2. If all permits for either sex moose in those wildlife management units are filled, applicants shall:

(i) Be assigned to a permit for an antlerless moose provided their application indicates they are willing to hunt antlerless moose in one of the wildlife management units having these permits available; and

(ii) Not be assigned a permit if their application indicates they are not willing to hunt antlerless moose; and

3. Once all of the initially drawn applicants have been considered for permits:

- (i) Alternates shall be used to fill the remaining permits; and
- (ii) Successful applicants shall be notified by mail within 10 working days; and

f. The percentage of nonresident numbers drawn shall not be greater than the percentage of nonresident hunting licenses sold during the previous calendar year, and nonresidents shall be randomly distributed throughout the wildlife management units.

(m) Alternates shall be chosen if a permittee chooses not to participate in the hunt and advises the department, in writing, of this decision. Alternates shall be selected in the order in which they were originally drawn in the lottery. Chosen alternates shall then be permittees. Alternates shall be assigned to the wildlife management unit which was assigned to the original permittee. These new permittees shall be notified by mail within 7 days after being selected.

(n) The permit fee shall be paid in full at fish and game headquarters in Concord no later than the last working day in July. Late payments received via U.S. mail shall be accepted provided they were postmarked no later than midnight on the third Friday of July. Alternates shall be chosen for applicants failing to pay the fee by the prescribed date. Alternates selected shall then pay within 14 days after being notified.

(o) The permittee shall not be required to designate a subpermittee. However, if one is so designated, the permittee shall submit the information required in (p) below on the permittee and the subpermittee, if so designated, to the fish and game department so that it shall be received at fish and game headquarters in Concord by the last working day in July. If an alternate is chosen as an permittee, designation of subpermittee and accompanying information shall be submitted with the payment.

(p) The information required of permittees and subpermittees shall be as follows:

- (1) Complete name and mailing address;
- (2) Date of birth;
- (3) Telephone number; and
- (4) Signature.

(q) The permittee shall obtain a permit described in Fis 1102.09. There shall be no residency requirements for the subpermittee.

~~(r) Reserved.~~

(~~sr~~) The permittee and subpermittees shall return a signed statement that they have read and understand the current year's New Hampshire moose rules. The statement shall be received at fish and game headquarters in Concord no later than the last working day in July. Late statements received via U.S. mail shall be accepted provided they are postmarked no later than midnight on the third Friday in July.

(~~ts~~) No person shall act as a subpermittee for more than one permittee.

(t) The deadline for the permittee to change the sub-permittee shall be 8 days prior to the start of the moose season.

(u) Once the fee for a moose permit has been paid, the permittee shall lose all accumulated points and not be eligible for the next 3 application periods, unless the permittee returns the permit prior to October 1 so that an alternate may be notified to participate in the moose hunt.

(v) No permittee shall sell or barter the subpermittee portion of their permit.

(w) No person shall possess more than one moose permit as a permittee.

(x) If a person's driver's license number or non-driver identification number changes, the applicant shall notify the department on the application. If the department is not able to match the identity of the applicant with its records, the applicant shall provide their name, address, date of birth, their old identification number and new identification number.

(y) The executive director shall waive restrictions in the moose lottery process to delay the issuance of a moose permit for 1 year due to medical problems or national emergency which prevents the permittee from participating in the moose hunt.

(z) 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 301.10, 301.11 and 302.13, effective 5/26/04 (Doc #8085), to read as follows:

Fis 301.10 Rabbits and Hares.

(a) Snowshoe hares shall only be taken as follows:

(1) The open season shall be:

~~a. The October 1 to March 31, in wildlife management units A, B, C1, C2, D1 and E; and~~

~~b. The October 1 to March 15 in all other wildlife management units; and~~

(2) The daily bag limit shall be as follows:

a. In WMU's A through G, ~~H~~ and J the daily bag limit shall be 3 snowshoe hares; and

b. In WMU's H1, H2, ~~I1, I2, J2, and~~ K, ~~L and M~~ the daily bag limit shall be 2 snowshoe hares; ~~and~~

~~e. In WMU's L and M the daily bag limit shall be one snowshoe hare.~~

(b) Cottontail rabbits shall only be taken in WMU's ~~H1~~, H2, ~~I2~~, K, L and M, except for the closed areas specified in (c), as follows:

- (1) The open season shall be October 1 to December 31;
- (2) The open season for falconry shall be October 1 to March 15; and
- (3) The daily bag limit shall be 2 cottontail rabbits.

(c) The following areas shall be closed to the taking of cottontail rabbits:

(1) The portion of WMU's K, M and L bound by Route 28 from the Massachusetts border in Salem, north to Route 4 in Epsom, Route 4 west to I-93 in Concord, I-93 south to I-89 in Concord, I-89 north to Route 13 in Dunbarton, Route 13 south to the Massachusetts border in Brookline; and

(2) The portion of WMU L bound by Route 202/11 west from the Maine border in Rochester, to Route 16, Route 16 south to Route 125, Route 125 south to Route 101, Route 101 east to the Squamscott River, north along the Squamscott River, north along shoreline of Great and Little Bay estuary to the Piscataqua River, and northwest along the Maine border to Route 202/11 at the Maine border.

(d) No person shall take hare or rabbits by the use of a snare.

Fis 301.11 Gray Squirrel.

(a) The season for gray squirrel shall open September 1 and close December 31, ~~except no person shall take gray squirrel in wildlife management units A, B, and C1 as described in Fis 301.01.~~

(b) The daily bag limit of squirrel shall be 5 gray squirrels.

(c) No person shall hunt or take squirrels within a compact zone of any village or city or within the limits of any public park or cemetery.

Fis 302.13 Quail (Bobwhite).

(a) The open season for quail, bobwhite, shall open October 1 through December ~~31~~.

(b) The daily bag limit shall be ~~5-4 quail and the season limit shall be 25.~~

Readopt with amendment Fis 303.011 effective 6/1/06 (doc #8644), and renumber as Fis 303.02, to read as follows:

Fis 303.~~011~~02 Muskrat, Mink, Otter and Beaver.

(a) The open season for taking muskrat, mink, otter and beaver by use of traps shall be November 1 through April 10.

(b) The open season for taking muskrat and mink by use of firearms or bow and arrow shall be November 1 through April 10.

(b) The season limit for otter shall be 10 otters.

Repeal Fis 303.02, effective 6/1/06 (doc #8644), as follows:.

~~— Fis 303.02 Muskrat and Mink.~~

~~— (a) The open season for taking muskrat and mink shall be as follows:~~

~~(1) WMUs A, B, and C shall open October 20 and close on December 31; reopen on March 1 and close again on March 31;~~

~~(2) WMUs E and J1 shall open October 20 and close on March 20;~~

~~(3) WMUs D, F, and G shall open October 20 and close on April 10; and~~

~~(4) WMUs H, I, J2, K, L and M shall open November 1 and close on April 10.~~

Readopt with amendment Fis 303.03 effective 6/1/06 (doc #8644) to read as follows:

Fis 303.03 Fox, Red and Gray, Raccoon, Opossum, Skunk, and Weasel.

(a) The season for taking red and gray fox, raccoon, opossum, skunk, and weasel by use of firearms or bow and arrow shall open on October 1 and close on March 31.

(b) The season for taking red and gray fox, raccoon, opossum, skunk, and weasel by use of traps shall:

(1) Open in WMUs A, B, C, D, E, and F,~~G and J1~~ on October 15 and close on December 31; and

(2) Open in WMUs G, H, I, ~~J2,~~ K, L and M on November 1 and close on January 15.

Repeal Fis 303.04 and Fis 301.041, effective 11-23-06 (doc #8764), as follows:

~~Fis 303.04 Raccoon, Opossum, and Skunk.~~

~~(a) The season for taking raccoon, opossum and skunk by use of firearms or bow and arrow shall open on September 1 and close on March 31.~~

~~(b) The season for taking raccoon, opossum and skunk by use of traps shall:~~

~~(1) Open in WMUs A, B, C, D, E, F, G, and J1 on October 15 and close on December 31; and~~

~~(2) Open in WMUs H, I, J2, K, L and M on November 1 and close on January 15.~~

~~Fis 303.041 Weasel.~~

~~(a) The season for taking weasel by use of firearms or bow and arrow shall open on September 1 and close on March 31.~~

~~(b) The open season for taking weasel by traps shall be:~~

~~(1) October 15 through March 31 in WMUs A, B, C, D, E, F, G and J1; and~~

~~(2) November 1 through March 31 in WMUs H, I, J2, K, L and M.~~

Readopt with amendment Fis 303.05, effective 11/23/06 (doc #8764), and renumber as Fis 303.04, to read as follows:

Fis 303.~~05~~04 Fisher.

(a) The open season for taking fisher by traps shall be December 1 through December 31.

(b) The open season for taking fisher by firearms or bow and arrow shall be December 1 through January 31.

(c) The season bag limit shall be ~~15~~10 fisher but no more than ~~10~~5 fisher from the combined area of WMUs ~~C1, D2, E, F, G, H, I, J, K, L, and M~~A, B, C, D, F, G, H, J2 and K and ~~no more than 5 fisher from the combined area of WMUs E, J1, L, and M.~~

Readopt Fis 303.06, effective 6/1/06 (doc #8644), and renumber as Fis 303.05, to read as follows:

Fis 303.~~06~~05 Bobcat. There shall be no open season for the taking of bobcat.

Delete reserved Section headings for Fis 303.07 and Fis 303.08 repealed effective 6-1-06 (doc #8644).

~~Fis 303.07 Beaver. REPEALED~~

~~Fis 303.08 Skunk and Weasel. REPEALED~~

Readopt with amendment Fis 303.09, 303.091, and 303.10, effective 6/1/00 (doc #8644), and renumber as Fis 303.06, 303.07 and 303.08, respectively, to read as follows:

Fis 303.~~09-06~~ Coyote.

(a) Coyote may be taken year round 1/2 hour before sunrise to 1/2 hour after sunset by any legal hunting method.

(b) Coyote may be taken by hunting at night in accordance with RSA 208:1-e and as follows:

(1) The open season shall be from January 1 through March 31;

(2) Artificial lights, except lights from a motor vehicle or OHRV or snowmobile, may be used to illuminate coyotes;

(3) Electronic calling devices may be used;

(4) No person shall bait coyote on ice covered public waters; and

(5) In towns restricted to weapon types pursuant to RSA 208:3, 208:3-b, and 208:3-c, only .22 caliber rimfire, shotguns, muzzleloading rifles or bow and arrow shall be permitted for the taking of coyote at night; and

(c) Any person hunting coyote at night shall obtain a written landowner permit described in Fis 1102.24 for the property on which he or she takes or attempts to take coyote or when hunting coyote over bait a permit described in Fis 1102.14 or Fis 1102.15.

(d) The open season for taking coyotes by traps shall ~~be:~~

~~(1) October 15 through March 31, in WMUs A, B, C, D, E, F, G and J1; and~~

~~(2) November 1 through March 31 in WMUs H, I, J2, K, L and M.~~

(e) Hunting for coyote over bait shall be in accordance with Fis 307.01.

Fis ~~303.091~~303.07 Marten or Sable. There shall be no open season for taking marten or sable.

Fis ~~303.10~~303.08 Annual Trapper's Report.

(a) All persons licensed to trap furbearing animals shall provide an annual trapping report form to the department on or before April 30 of each year.

(b) Any person licensed to trap furbearing animals shall provide the following information on the trapping report:

- (1) The licensee's name, address, and telephone number;
- (2) The number of the trapping license held;
- (3) The dates of the trapping season being reported;
- (4) Whether licensee trapped, and whether she/he took any furs;
- (5) The following information for each town where trapping occurred:
  - a. The number of each species taken;
  - b. The number of traps set for each species;
  - c. The number of nights that they were set for each species; and
  - d. Wildlife management unit where taken; and
- (6) Indicate the number of bobcats incidentally trapped, released or killed.

(c) The trapper shall sign the report subject to the penalties for making unsworn false statements under RSA 641:3.

(d) Any licensee failing to report shall be refused a license until the complete information has been filed.

Delete the reserved section heading for Fis 303.11, as repealed effective 7/20/96 (doc 6292), and renumber subsequent rules Fis 303.12 through Fis 303.17 as Fis 303.11 through Fis 303.16 respectively.

~~Fis 303.11 RESERVED~~

Readopt Fis 307.02, effective 7/6/07 (doc #8931), to read as follows:

Fis 307.02 Baiting for Black Bear.

(a) In addition to the requirements of RSA 207:3-d and Fis 307.01 relative to the use of bait, black bear may be taken by the aid and use of bait subject to the following:

- (1) Wildlife management units G, H1, H2, I1, I2, J1, J2, K, L, and M shall open September 1 and close September 21;

(2) Wildlife management units A, B, C1, C2, D1, D2, E, and F, ~~G, H, J1, and J2~~ shall open on September 1 and close September 28;

(3) No person shall place bait for the purpose of attracting and taking bear at more than 2 bait sites, but no more than one bait site in WMU's A, B, D1, H1, H2, I2, K, L, and M; and

(4) A licensed N.H. hunting guide authorized to guide bear hunters under the provisions of Fis 301.06(h) shall be allowed a maximum of 6 bait sites.

Amend Fis 308.07(c), effective 6-25-05 (doc #8385), to read as follows:

Fis 308.07 Wildlife Control Operator Forms.

(c) The wildlife control operator annual report shall include:

- (1) The licensee's name and address;
- (2) The level of license and license number held;
- (3) The time period covered by report;
- (4) The number of nuisance furbearing animals by species killed in each town and wildlife management unit that year; and
- (5) Licensee's signature subject to the penalties for making unsworn false statements under RSA 641:3.

Readopt Fis 1204.02, effective 7/6/07 (#8931), to read as follows:

Fis 1204.02 Special Youth Hunting Days for Deer.

(a) The Saturday and Sunday prior to the opening day of the muzzleloader season specified in Fis 301.02(f) shall be designated as youth hunting days for deer.

(b) The season shall be open to the taking of any deer.

(c) Youths shall be 15 years of age or younger and shall be accompanied by a licensed adult 18 years of age or older.

(d) Each adult who accompanies youth hunters during the youth hunting day shall:

- (1) Possess a current hunting license; and
- (2) Not carry a firearm.

(e) Each adult shall not be accompanied by more than 2 youths participating in the youth hunting day.

(f) The deer taken during the youth hunting days shall constitute the one deer allowed to be taken with a firearm for the regular firearm season.

(g) Youths shall use the tag provided on the back page of the Hunting Digest.

(h) Deer may be taken by any legal method specified in Fis 301.03, except that no crossbows shall be used to take deer.