

**RULEMAKING NOTICE FORM**

Notice Number

Rule Number **Fis 301.01; 301.02(a)(19); 301.03; 301.031; 301.033, 301.04 - 301.09; 302.01, 302.011, 302.012; 303.02; 303.03; 303.06; 303.11; 304.06(o) & (q); 307.01(f); 307.02; 309.01; 1102.12**

1. Agency Name & Address:

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

2. RSA Authority: **207:56, 208:1-a, 208:2, 208:5-b, 208:15-b, 208:22, 209:12-a, 210:23, 210:24-b**

3. Federal Authority:

4. Type of Action:

- Adoption \_\_\_\_\_
- Amendment XX
- Repeal XX
- Readoption XX
- Readoption w/amendment XX

5. Short Title: **Fish and Game 2010/2011 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 various rule changes relative to the taking of wildlife for the 2010/2011 season to include:**

**Readopt with amendment Fis 301.01 to add statutory definitions for “bait” and “baited area” to the rules and to repeal the definition for “2 point minimum antlered deer”;**

**Amend Fis 301.02 (a)(19) to make a correction to the boundary for wildlife management unit (WMU) J2;**

**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 for archery, muzzleloader and regular firearms seasons and to remove restrictions relative to 2 point minimum antlered deer;**

**Readopt with amendments Fis 301.031 relative to special deer permits to include: increasing the number of special deer permits for WMU M from 6,000 to up to 8000 permits by allowing 4,000 permits to be issued on a first-come first-served basis and allowing each of these permittees to purchase 2 permits, if purchased at the same time; delaying the use of special WMU M permits from September 15 until October 1; and deleting the reference to 2 point minimum antlered deer in WMU A;**

**Readopt with amendment Fis 301.033 to propose criteria for establishing new deer registration stations to include a 10 mile minimum distance from the adjacent station unless the station registers more than 400 deer or was in existence before 12/31/09, that the station have adequate facilities and is easily accessible and that the hours and location minimizes inconvenience to hunters, as well as requiring the registration agent be free of fish and game violations in the past 7 year; add information on the registration station agreement relative to weigh scales; specify that the registration agreements are not transferable; clarify that the signature on the agreement is signed subject to unsworn false statements; and require that registration stations that are also fish and game agents under RSA 214-A remain in good standing.**

**Readopt with amendment Fis 301.04 relative to deer registration reports to add information, require the agent to stamp & record seal number & to securely affix the seal to the hock of the deer;**

**Readopt with amendment Fis 301.05 relative to bear kill reports to add the name of the hound owner for bear killed over hounds; and clarify that the report is signed subject to the penalties for making unsworn false statements;**

**Readopt with amendment Fis 301.06 relative to the bear season to include: restricting weapon types for taking bear to the weapon type consistent with those in “shotgun-only” towns for deer; remove the requirement to have a separate permit to take bear with hounds; and clarify that guiding for bear is allowed in all bear seasons;**

**Readopt with amendment Fis 301.07 relative to the moose season to include: restricting weapon types for taking moose to the weapon type consistent with those in “shotgun-only” towns for deer; and lessen the restrictions for transporting moose after it is registered;**

**Readopt with amendment Fis 301.08 relative to moose registration biological check stations making an editorial change;**

**Readopt with amendment Fis 301.09 relative to the moose season lottery to: reduce the number of over all permits from 515 to 395; increase the number of alternates from 300 to 500, as well as to propose changes to the WMU allocation of either sex and/or antlerless only moose permits; clarify notification of successful applicants and postmark deadlines for permittee information; specify information required about the permittee and subpermittee; require signatures subject to penalties for making unsworn false statements; and make minor editorial changes;**

**Readopt with amendment Fis 302.01 relative to taking wild turkey to open 4 WMUs in southeastern NH for a fall turkey shotgun season;**

**Readopt Fis 302.011 turkey registration stations relative to criteria for establishing new turkey registration stations to include a 10 mile minimum distance from the adjacent station unless the station registers more than 200 spring turkeys or was in existence before 12/31/09, that the station have adequate facilities and is easily accessible and that the hours and location minimizes inconvenience to hunters, as well as requiring the registration agent be free of fish and game violations in the past 7 year; specify that the registration agreements are not transferable; clarify that the signature on the agreement is signed subject to unsworn false statements; and require that registration stations that are also fish and game agents under RSA 214-A remain in good standing.**

**Readopt with amendment Fis 302.012 relative to turkey registration reports to require the agent to securely affix the seal to the turkey during registration;**

**Readopt with amendment Fis 303.02 relative to the trapping and hunting seasons for muskrat, mink, otter, and beaver by moving weasel to Fis 303.03 (also, readopt with amendment) to be included in the season for fox, raccoon, weasel, opossum and skunk and changing the seasons for these furbearers to make them more consistent and responsive to weather conditions in northern and southern portions of the state;**

**Readopt with amendment Fis 303.06 relative to coyote by proposing restricting weapon types for taking coyote during the regular firearm deer season to the weapon type consistent with those in “shotgun-only” towns for deer; and extending the trapping season for taking coyote until April 10;**

**Readopt Fis 303.11 relative to sealing furbearing animals to require certain trapper or hunter information on a fur sealing record when sealing fisher or otter;**

**Amend Fis 304.06(o) and (q) to reflect changes to the cooperative fencing program to reflect statutory changes made during the 2009 legislative session;**

**Amend Fis 307.01 (f) relative to baiting permits to edit the address to where a copy of the permit is to be mailed;**

**Readopt with amendment Fis 307.02 relative to baiting bear to restrict the number of bait sites in WMUs G, I1, J1 and J2 to one bait site; and**

**Readopt Fis 309.01 relative to the restrictions on hunters bringing deer back to NH, after being taken outside the state, to minimize the risk of spreading chronic wasting disease.**

**Repeal Fis 1102.12 relative to the permit for the use of dogs to take bear. Hunters would no longer have to obtain a separate permit.**

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

**These rules affect persons wishing to take deer, bear, moose, turkey and furbearers; new and existing deer and turkey registration station agents.**

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 301.01</b>	<b>RSA 208:1-a, 208:2, 208:22, 208:22-a, 209:12-a</b>		
<b>Fis 301.02(a)(19)</b>	<b>RSA 208:1-e, 208:2, 208:22-a, 208:5, 208:5-a, 210:23</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 301.033</b>	<b>RSA 208:5, 208:15</b>		
<b>Fis 301.04</b>	<b>RSA 208:15-d</b>		
<b>Fis 301.05</b>	<b>RSA 208:22</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 301.08</b>	<b>RSA 208:1-a, I</b>		
<b>Fis 301.09</b>	<b>RSA 208:1-a, II, II-a</b>		
<b>Fis 302.01</b>	<b>RSA 209:12-a</b>		
<b>Fis 302.011</b>	<b>RSA 207:56</b>		
<b>Fis 302.012</b>	<b>RSA 209:12-a</b>		
<b>Fis 303.02</b>	<b>RSA 206:10; 210:23</b>		
<b>Fis 303.03</b>	<b>RSA 207:56</b>		
<b>Fis 303.06</b>	<b>RSA 206:10, 210:23, RSA 208:1-e</b>		
<b>Fis 303.11</b>	<b>RSA 210:08, RSA 210:8-a</b>		
<b>Fis 304.06(o) &amp; (q)</b>	<b>RSA 207:22-c, I</b>		
<b>Fis 307.01(f)</b>	<b>RSA 207:3-d, 208:1-e, 208:2</b>		
<b>Fis 307.02</b>	<b>RSA 207:3-d, 208:1-e, 208:2</b>		
<b>Fis 309.01</b>	<b>RSA 206:10, I</b>		
<b>Fis 1102.12 (repeal)</b>	<b>RSA 208:22</b>		

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.nh.gov](mailto:comments@wildlife.nh.gov)

**subject line: Wildlife rules  
2010/11**

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 19, 2010**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time:

Place:

**Monday, April 5, 6:30 p.m.** – N.H. Fish and Game Region 1 Office, North Country Resource Center, 629 B Main Street, Lancaster, N.H.

**Tuesday, April 6, 6:30 p.m.** – Keene High School, 43 Arch Street, Keene, N.H.

**Thursday, April 8, 6:30 p.m.** – N.H. Fish and Game Department Headquarters, 11 Hazen Drive, Concord, N.H.

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

FIS # **10:019**, dated **02/26/10**

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

When compared to the existing rules, the proposed rules may reduce the Fish & Game revenue by \$24,650 per year. See 3.A. below.

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:

The Department states that these rules will reduce the number of moose permits by 120 permits (515 to 395). Based on the nonresident permits drawn as required in fis 301.09(1)(2)f. and using the 2009 moose lottery information, the Department estimates that 16% of these 120 permits, a total of 19 are assumed to go to nonresidents, and the remaining 101 permits to residents. The fees for moose permits are in Fis 1102.09-\$150 for residents and \$500 for nonresidents. Using these assumption, Fish & Game revenue may be reduced by \$24,650 per year.

The rules also change the way the number of special deer permits in Wildlife

Management Unit (WMU)-M are issued. The current rule specifies 6,000 permits to be issued. The proposed rule would allow 4,000 individuals, on a first-come, first-served basis, to get a special deer permit in unit M, and purchased at the same time. Even though the actual number of permits issued could be as high as 8,000 (4,000 +4,000), the Department expects that about half of the individuals may choose to purchase a second permit, therefore, the total number of permits sold is expected to remain the same.

B. To State citizens and political subdivisions:

To the extent State citizens purchase moose permits and special deer permits for WMU-M, they may experience additional costs. See 3.A. above. There are no costs or benefits to political subdivisions.

C. To independently owned businesses:

None.

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

The proposed readoption with amendment of Fis 301.01, 301.03, 301.031, 301.033, 301.04-.09, 302.01, 302.011, 302.012, 303.02, 303.03, 303.06, 303.11 and 307.02; the amendment of 301.02(a)(19), 304.03(o) & (q), and 307.01(f); the readoption of 309.01; and the repeal of Fis 1102.12 relative to 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.



Readopt with amendment Fis 301.01, effective 7-6-09 (Doc #8931), to read as follows:

Fis 301.01 Definitions.

(a) "Antlered deer" means a deer which has at least one antler 3 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) “Two point minimum antlered deer” means a deer which has at least one antler 3 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 plus at least one antler point that branches from the main beam that is at least 1 inch from the tip to the confluence of the closest edge of the main beam.~~

**(b)** ~~(e)~~—“Antlerless deer” means any deer which does not have at least one antler 3 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.

**(c) “Baiting” means “baiting” as defined in RSA 207:1, II-a.**

**(d) “Baited area” means “baited area” as defined in RSA 207:1, II-b.**

Amend Fis 301.02 (a)(19) effective 6-1-06 (Doc #8644) to read as follows:

Fis 301.02 Wildlife Management Units.

(a) For purposes of this chapter, the state shall be divided into wildlife management units, also referred to as WMU<sup>s</sup>, described as follows:

(19) Wildlife management unit J2: From the junction of Rte. I-93 and Rte. 3 in Ashland, south on Rte. 3 to Rte. 25B in Center Harbor, east on Rte. 25B to Rte. 25 in Center Harbor, east on Rte. 25 to Rte. 109 in Moultonboro, southeast on Rte. 109 to Rte. 28/109 in Wolfeboro, north on Rte. 28/109 to Rte. 109 in Wolfeboro Center, east on Rte. 109 to its intersection with the ME/NH border, south along the ME/NH border to Rte. 202 in Rochester, south on Rte. 202 to Rte. 4 in Northwood, west on Rte. 4 to I-393 in Concord ~~Concord~~ **Pembroke**, west on I-393 to I-93 in Concord, north on I-93 to the junction of Rte. 3 in Ashland;

Readopt with amendment Fis 301.03, effective 5-28-08 ((Doc # 9163), as amended effective 4-21-09 (Doc #9458), 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 301.031(c) or 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 **subject to the following:**

**a. Antlered deer only shall be taken from September 15 through September 30; and**

**b. Any deer shall be taken from October 1 through 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 **subject to the following:**

**a. Antlered deer only shall be taken from September 15 through September 30; and**

**b. Any deer shall be taken from October 1 through 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 **A**, C1, C2, **D1**, E, F, **G**, **I1**, **I2** and J1 shall be open only to the taking of antlered deer;
- (5) The wildlife management units **B**, **D2**~~D1~~, **G**, **H** and **I2**~~J2~~ 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;
- (6) The wildlife management units ~~B~~, **D2**~~H1~~, **H2** and **J2**~~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 9 days;
- (7) The wildlife management units ~~H1~~, **H2** and **K**~~L~~ shall be open to the taking of any deer during the first ~~3~~**7** days of the season and to the taking of antlered deer only during the remaining ~~8~~**4** days of the season;
- ~~(8) 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 2 point minimum antlered deer only during the remaining 7 days of the season;~~  
and
- ~~(9)~~**8** 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 **A**, C1, C2, D1, E, F, **G**, I1, I2 and J1 shall be open only to the taking of antlered deer;
- (2) The wildlife management units ~~G~~**B**, **D2** and **J2** 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;~~

(43) The wildlife management units ~~B, D2~~**H1, H2** and ~~J2-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;

~~(54) The wildlife management units H1, H2 and K~~**L** shall be open to the taking of any deer during the first ~~3-7~~ days of the season and to the taking of antlered deer only during the remaining ~~23-19~~ days of the season; and

~~(65) The wildlife management units 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.

Readopt with amendment Fis 301.031, effective 4-21-09 (Doc #9458), to read as follows:

Fis 301.031 Special Deer Permits - Unit M, Archery, 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 (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;

(3) Deer may be taken by any legal method during the archery season as specified in Fis 301.03(d)(1) b., the muzzleloader season as specified in Fis 301.03(e) and during the regular season as specified in Fis 301.03(f);

(4) 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

(5) There shall be ~~6000~~ **up to 8000** special deer permits issued for wildlife management unit M as follows:

a. **Up to 4000 special deer permits for wildlife management unit M shall be available on a first come – first served basis. Successful applicants may purchase a second special deer permit for wildlife management unit M at the same time they purchase their first permit;**

b. An applicant shall provide:

1. Applicant's complete name and mailing address;

2. Telephone number;

3. Date of birth;

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

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

~~bc.~~ Illegible or incomplete applications shall be returned for correction and not considered until corrected;

~~bd.~~ Permits shall be issued on a first-come first-serve basis when received;

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

~~bf.~~ No person shall have more than ~~one~~ **2** permits;

~~bg.~~ Applicants may apply:

1. At the fish and game department Concord headquarters at 11 Hazen Drive, Concord, NH 03301;
2. By mail at the address above in 1.; or
3. From the department's website at [www.wildlife.state.nh.us](http://www.wildlife.state.nh.us); and

~~bh.~~ The fee for permits shall be \$13.00 of which \$1.00 is the agent fee.

(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) 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) The fee for the special deer permit described in (b) shall be \$15.00;
- (3) Immediately upon killing a deer the permittee shall fill in the appropriate deer tag, sign the tag and attach the tag to the deer;
- (4) The deer tag shall contain the following:
  - a. The licensee's name and address;
  - b. The date and time of kill; and
  - c. The wildlife management unit in which the kill occurred;
- (5) 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
- (6) 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 as specified in Fis 301.03(d)(4) through (13);
- (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 15<sup>th</sup>; and
- (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 archery license number; and
  - d. Signature, signed subject to the penalties for unsworn false statements under RSA 641:3.

Readopt with amendment Fis 301.033, effective 5-26-04 (Doc # 8085), to read as follows:

Fis 301.033 Deer Registration Stations.

(a) **New deer registration stations shall be considered if:**

(1) **The proposed station location is greater than 10 travel miles from the nearest adjacent station unless an adjacent station(s) registers more than 400 deer annually or was in existence on 12/31/09;**

(2) **The proposed location has adequate facilities and is easily accessible. Adequate facilities and easily accessible means that the location has adequate space for parking and registering or weighing deer, is a safe distance away from the highway or road, and is located on or near a main route of travel for hunters; and**

(3) **The hours of operation and location of the proposed station will minimize inconvenience to hunters needing to register a deer by being open during early morning, later into the evening and open on weekend days.**

(4) **The applicant shall not have been convicted of any fish and game violation within the past 7 years.**

(b) Deer registration agents under RSA 208:15-a shall provide the following information on a deer registration station agreement:

(1) Date of agreement;

(2) Name, address and telephone number of agent's establishment;

(3) The agent's home address and telephone number; ~~and~~

(4) The hours and days of operation of the proposed registration station-; **and**

**(5) Whether or not the station provides scales for weighing deer.**

(~~b~~c) The deer registration station agent shall print legibly, accurately, and completely when filling out the deer registration form described in Fis 301.04.

(~~e~~d) The deer registration agent shall sign the agreement in the presence of a witnessing department conservation officer or his designee, who shall also sign the agreement.

**(e) Registration station agreements shall not be transferable upon change of ownership and cannot be assigned to any other party.**

(~~f~~) By signing the agreement, applicants shall agree to abide by the statutes and rules governing deer registration stations and deer registration reports **and shall sign subject to the penalties for making unsworn false statements under RSA 641:3.**

(eg) Failure to accurately and legibly provide the information specified in Fis 301.04 on the deer registration report shall, after notice and opportunity for a hearing, result in the suspension or closure of the registration station.

**(h) Those registration stations which are also fish and game agents as defined in RSA 214-A shall remain in good standing with regard to the requirements of RSA 214-A or may, after notice and opportunity for a hearing, be terminated as a registration station.**

(fi) Deer registration agents may collect up to \$2.00 as a registration agent fee pursuant to RSA 208:15-b.

Readopt with amendment Fis 301.04, effective 6-5-02 (Doc #7699), to read as follows:

Fis 301.04 Deer Registration Reports.

(a) All persons reporting a deer kill to a deer registration station under RSA 208:15-d shall provide the following:

- (1) The person's name, street and mailing address, telephone number, residency and date of birth;
- (2) Town of kill;
- (3) Date of kill;
- (4) Time of kill;
- (5) Sex of deer killed;
- (6) An indication as to whether the deer is a fawn or adult;**
- ~~(67)~~ Weapon type used;
- ~~(78)~~ Wildlife management unit of kill;
- ~~(89)~~ The following license information:
  - a. Hunting license type(s) and license number(s) held by licensee and under which the deer was taken;
  - b. Permit types(s) and permit number(s) held by licensee and under which the deer was taken;
  - c. Date and time the license was issued; and
  - d. Sex of the hunter; and
- ~~(910)~~ The registration number of the vehicle transporting the deer.

(b) The registration agent shall include the following:

- (1) The date and time of deer registration;
- (2) The seal number attached to the deer; and
- (3) The registration station number.

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

(d) The registering agent shall:

**(1) Stamp the back of the hunter's license with the station stamp provided and record the seal number except that this requirement shall not apply if no license was required or if the deer being registered was taken on a permanent license as described under Fis 1101.02 or Fis 1101.03;**

**(2) Securely affix the seal to the hock of the deer; and**

(3) Sign the report subject to the penalties for making unsworn false statements under RSA 641:3.

Readopt with amendment Fis 301.05, effective 6-1-06 (Doc #8644), as amended effective 4-21-09 (Doc #9458), to read as follows:

Fis 301.05 Bear Kill Reports.

(a) All persons reporting a bear kill to a New Hampshire conservation officer or personnel authorized by the director shall provide the following information on the bear registration form subject to the penalties for making unsworn false statements under RSA 641:3:

- (1) The hunter's:
  - a. Hunting license number;
  - b. Name;
  - c. Mailing and street address;
  - d. Date of birth;
  - e. Sex; and
  - f. Telephone number;
- (2) The wildlife management unit and town where the bear was killed and specific locality within the town;
- (3) The date and time of kill;

- (4) The dressed weight and sex of the bear;
- (5) If female, teat length and lactation status;
- (6) Whether or not the bear was ear-tagged;
- (7) The method of hunting used, such as bait, hound, still hunting or stalking;
- (8) The number of days spent hunting for bear;
- (9) The species that was specifically hunted, such as bear, deer or other;
- (10) The firearm type and caliber, if appropriate;
- (11) Whether a guide was employed and if yes, the guide's name;
- (12) What the bear was feeding on; ~~and~~
- (13) If the bear was killed over hounds, the name of the owner of the hounds; and**
- (14) The signature of the hunter subject to the penalties for making unsworn false statements under RSA 641:3.**

(b) The conservation officer or department personnel shall collect a premolar tooth from each bear.

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

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

Readopt with amendment Fis 301.06, effective 5-28-08 (Doc #9163), as amended 4-21-09 (Doc #9458), 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) 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, pistols as specified in RSA 208:3-d or bow and arrow shall be permitted for the taking of bear, except pistols shall not be used in the Town of Bow pursuant to RSA 207:3-b.**

~~(b)~~ (c) 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 14<sup>th</sup> day of the regular firearms season as specified in Fis 301.03(f).

(ed) 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.

(ee) 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).

(ef) 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.~~

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

(gh) 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.~~

(hi) Licensed guides may guide for taking bear during the open season as specified in Fis 301.06(bc), **Fis 301.06(d), and Fis 301.06(e)**. 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.

(ij) 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.

(jk) 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.

(~~kl~~) 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.

(~~lm~~) 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.

(~~mn~~) 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.

(~~no~~) Immediately upon killing a bear the licensee shall fill in the appropriate bear tag, sign the tag and attach the tag to the bear.

(~~op~~) 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.

(~~pq~~) 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.

(~~er~~) 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.

(~~rs~~) 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.

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

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

Readopt with amendment Fis 301.07, effective 5-28-09 (Doc #9163), 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 I, II, III, IV, or V 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 I, II, III, IV, or V 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, **pistols as specified in RSA 208:3-d** or bow and arrow shall be permitted for the taking of moose, **except pistols shall not be used in the Town of Bow pursuant to RSA 207:3-b.**

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

(k) No bow shall be used for hunting moose unless it will pull at least 50 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~~ **provided the registration seal remains firmly affixed to the moose at all times.**

~~—— (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~~w) 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~~x) 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~~y) Any person leaving moose parts in the field shall place parts out of sight of roads traveled by conventional vehicles.

Readopt with amendment Fis 301.08, effective 7-24-03 (Doc #7921), to read as follows:

Fis 301.08 Moose Registration at Biological Check Stations.

- (a) The moose shall be presented at the nearest biological check station within 24 hours of the kill.
- (b) The moose shall be transported in such a manner that a portion of the moose is open to view.
- (c) Biological check stations shall be open daily during the open moose hunting season. The day after the season closes moose shall be registered at any fish and game department regional office or at headquarters in Concord.
- (d) The permittee shall provide the following on the moose kill report:
  - (1) Date and time of kill;
  - (2) Wildlife management unit, town, and locality of kill;
  - (3) Weapon used;
  - (4) Hunter's name, address, telephone number, date of birth, sex, and license number, **if required**;

- (5) Biological information on the moose including the sex, beam diameter, number of points, estimated weight, estimated age, and
  - (6) The hunter's signature, signed subject to the penalties for making unsworn false statements under RSA 641:3.
- (e) The permittee shall bring in to the biological check station at least the following:
- (1) The lower jaw;
  - (2) The intact antler rack on an antlered moose;
  - (3) The skull plate on a male antlerless moose;
  - (4) The female reproductive tract including the ovaries and mammary sack; and
  - (5) All edible portions of the moose.
- (f) A moose registration seal as provided in RSA 208:9 shall be affixed by fish and game personnel to the moose for transportation.

Readopt with amendment Fis 301.09, effective 5-28-09 (Doc #9163), to read as follows:

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 ~~515~~ **395** application numbers shall be drawn;
  - c. A total of ~~300~~ **500** additional numbers shall be drawn as alternates;
  - d. The ~~515~~ **395** 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	15	<del>15</del> <b>5</b>
A2	<del>25</del> <b>45</b>	<del>25</del> <b>20</b>
B	<del>35</del> <b>40</b>	<del>15</del> <b>10</b>
C1	<del>15</del> <b>20</b>	<del>10</del> <b>5</b>
C2	<del>15</del> <b>30</b>	5
D1	<del>15</del> <b>10</b>	<b>50</b>
D2	<del>25</del> <b>10</b>	<b>150</b>
E1	5	<b>50</b>
E2	5	0

E3	<del>10</del> 5	50
F	<del>35</del> 15	200
G	<del>55</del> 30	0
H1	<del>15</del> 10	0
H2-north	5	0
H2- south	5	0
I1	<del>20</del> 15	0
I2	<del>30</del> 20	0
J1	<del>10</del> 15	0
J2	<del>30</del> 20	0
K	10	0
L	10	0
M	<del>5</del> 10	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 **drawn for a permit** 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, T~~the permittee shall submit the information ~~required~~ **specified** in (p) below on the permittee and the subpermittee, if ~~so~~ **a subpermittee is** 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. **Late information received via US mail shall be accepted provided they are postmarked not later than midnight on the third Friday in July.** If an alternate is chosen as a permittee, designation of subpermittee and accompanying information shall be submitted with the payment.

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

**(1) Confirmation of the permittee's intention to participate in the moose hunt signed subject to the penalties for making unsworn false statements under RSA 641:3;**

**(2) The subpermittee's:**

**a.** ~~C~~complete name and mailing address;

~~(2)~~**b.** Date of birth; **and**

~~(3)~~**c.** Telephone number; ~~and~~

**(3) A signed statement from the permittee and the subpermittee that neither has paid or bartered any thing for the privilege of being designated as a subpermittee and that they each have read and understand the current moose hunting rules**

~~(4) Signature,~~ **signed subject to the penalties for making unsworn false statements under RSA 641:3.**

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

~~(r) 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.~~

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

~~(t)~~ The deadline for the permittee to change the subpermittee 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~~v) No person shall possess more than one moose permit as a permittee.

(~~x~~w) 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~~x) 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~~y) The executive director shall authorize permits, in addition to the permits in (1)(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 302.01, effective 6-5-09 (Doc #9171), to read as follows:

Fis 302.01 Wild Turkey.

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

(b) The spring turkey seasons shall be May 3 through May 31.

(c) The fall turkey seasons shall be as follows:

(1) In wildlife management units B, C1, C2, D1, D2, E, F, G, H1, H2, I1, I2, J1, J2, K, L and M, the archery season shall run concurrently with the archery deer season; and

(2) In wildlife management units D1, D2, G, H1, H2, I1, I2, **J1, J2, K, L** and ~~K~~M, the shotgun season shall be the 5 days immediately preceding the moose season as specified in Fis 301.07(c).

(d) Shooting hours shall be as follows:

(1) The shooting hours during the spring turkey seasons shall begin one half hour before sunrise and end at 12:00 noon; and

(2) The shooting hours during the fall seasons for the taking of wild turkeys shall begin one half hour before sunrise and end one half hour after sunset.

(e) Persons licensed to take turkeys shall be entitled to take one bearded or male turkey per spring turkey season described in (b) and one turkey of either sex during the fall archery season or the fall shotgun season described in (c). No person shall take more than 2 turkeys per year.

(f) Nothing in this section shall prohibit a person who has taken a turkey from assisting another properly licensed turkey hunter by calling only. The person assisting by calling shall not possess a firearm or bow and arrow.

(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 shall be the only firearms and shot permitted;
- (2) Bows shall have at least a 30-pound peak draw weight measured at 28 inches or less draw;
- (3) No mechanically-drawn or released bow shall be used;
- (4) No arrow shall be used other than broadheads;
- (5) Broadheads shall be as follows:
  - a. Fixed blade broadheads shall not be less than 7/8 of an inch wide;
  - b. 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; and
  - c. There shall be no upper size limit on retractable blade broadheads;
- (6) The name and address of the archer shall be plainly printed on each arrow;
- (7) No person shall use live decoys, electronic calling devices, baiting, cooperative drives, or dogs during the spring turkey season;
- (8) No person shall use live decoys, electronic calling devices, baiting or cooperative drives during the fall archery season and fall shotgun season;
- (9) No person shall shoot at or take a turkey in a tree;
- (10) Persons licensed to take turkey shall immediately upon killing a turkey, fill out and detach the turkey tag from the license, and then securely attach to the leg of the turkey, the turkey tag bearing the name and address of the licensee who killed the turkey, the date and time of kill and WMU where the turkey was killed;
- (11) No person shall possess a turkey tag that was not issued to that person; and
- (12) No person shall attach a turkey tag to a turkey that person did not kill.

(h) Registration and reporting shall be as follows:

- (1) Any person killing a turkey shall bring the fully-feathered, intact carcass to a turkey registration station for examination and sealing within 24 hours of taking;
- (2) If requested, the carcass of the turkey shall be exhibited to a conservation officer for examination to determine the method of kill; and
- (3) The intact carcass may be eviscerated before bringing it to the registration station.

(i) No person shall transport a wild turkey unless it is tagged with a turkey tag and is accompanied by the permittee who took the turkey.

(j) No person shall at any time hunt, shoot, pursue, kill or take wild turkey in this state without first procuring a turkey permit and the applicable license required under RSA 214.

Readopt with amendment Fis 302.011 and Fis 302.012, effective 5-26-04 (Doc #8085), to read as follows:

Fis 302.011 Turkey Registration Stations.

(a) **New turkey registration stations shall be considered if:**

**(1) The proposed station location is greater than 10 travel miles from the nearest adjacent station unless an adjacent station(s) registers more than 200 spring turkeys or was in existence on 12/31/09;**

**(2) The proposed location has adequate facilities and is easily accessible. Adequate facilities and easily accessible means that the location has adequate space for parking and registering or weighing turkey, is a safe distance away from the highway or road, and is located on or near a main route of travel for hunters; and**

**(3) The hours of operation and location of the proposed station will minimize inconvenience to hunters needing to register a turkey by being open during early morning, later into the evening and open on weekend days.**

**(4) The applicant shall not have been convicted of any fish and game violation within the past 7 years.**

**(b)** Turkey registration agents under RSA 209:12-a shall provide the following information on a turkey registration station agreement:

(1) Name of applicant;

(2) Date of agreement;

(3) Name, address and telephone number of agent's establishment;

(4) The agent's home address and telephone number; and

(5) The hours and days of operation of the proposed registration station.

**(bc)** The turkey registration station agent shall print legibly, accurately, and completely when filling out the turkey registration form described in Fis 302.012.

**(ed)** The turkey registration agent shall sign the agreement in the presence of a witnessing department conservation officer or his designee, who shall also sign the agreement.

**(e) Registration station agreements shall not be transferable upon change of ownership and cannot be assigned to any other party.**

(df) By signing the agreement, applicants shall agree to abide by the statutes and rules governing turkey registration stations and turkey registration reports **and shall sign subject to the penalties for making unsworn false statements under RSA 641:3.**

(eg) Failure to accurately and legibly provide the information specified in Fis 302.012 on the turkey registration report shall, after notice and opportunity for a hearing, result in the suspension or closure of the registration station.

**(h) Those registration stations which are also fish and game agents as defined in RSA 214-A shall remain in good standing with regard to the requirements of RSA 214-A or may, after notice and opportunity for a hearing, be terminated as a registration station.**

(fi) Turkey registration agents may collect up to \$2.00 as a registration agent fee pursuant to RSA 209:12-a.

Fis 302.012 Turkey Registration Reports.

(a) All persons reporting a turkey kill to a turkey registration station under RSA 209:12-a shall provide the following:

- (1) The person's:
  - a. Name;
  - b. Street and mailing address;
  - c. Telephone number;
  - d. Sex;
  - e. Residency; and
  - f. Date of birth;
- (2) Town of kill;
- (3) Date of kill;
- (4) Time of kill;
- (5) The following information about the turkey:
  - a. Sex;
  - b. Weight;
  - c. Length of beard to the nearest ¼ inch;

- d. Length of left and right spurs;
  - e. Age, by indicating whether the turkey is adult or immature; and
  - f. Description of any abnormality, injury, off coloration, leg band, or wing streamer on turkey.
- (6) Weapon type used;
  - (7) Town and wildlife management unit of kill;
  - (8) The following license information:
    - a. Hunting license type(s) and license number(s) held by licensee; and
    - b. Turkey permit number; and
  - (9) The registration number of the vehicle transporting the turkey.
- (b) The registration agent shall include the following:
- (1) The date and time of turkey registration;
  - (2) The date and time of turkey license purchase;
  - (3) The seal number attached to the turkey; and
  - (4) The registration station number.
- (c) The hunter shall sign the report subject to the penalties for making unsworn false statements under RSA 641:3.
- (d) The registering agent shall:
- (1) **Securely affix the seal to the turkey; and**
  - (2) **Sign the report subject to the penalties for making unsworn false statements under RSA 641:3.**

Readopt with amendment Fis 303.02, effective 6-1-06 (Doc #8644) and moved 5-28-08 (Doc #9163), formerly Fis 303.011, to read as follows:

Fis 303.02 Muskrat, Mink, Otter, ~~Weasel~~ and Beaver.

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

**(1) October 15 through April 10 in wildlife management units A, B, C, D, E and F; and**

**(2) November 1 through April 10 in wildlife management units G, H, I, J, K, L and M.**

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

**(1) October 15- through April 10 in wildlife management units A, B, C, D, E and F; and**

**(2) November 1 through April 10 in wildlife management units G, H, I, J, K, L and M.**

~~(c) The open season for taking weasel by use of firearms or bow and arrow shall be October 1 through March 31.~~

~~(c)~~ (d) The season limit for otter shall be 10 otters.

Readopt with amendment Fis 303.03, effective 5-28-08 (Doc # 9163), to read as follows:

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

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

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

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

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

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

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

Readopt with amendment Fis 303.06, effective 6-1-06 (Doc #8644) and moved 5-28-08 (Doc #9163), formerly Fis 303.09, to read as follows:

Fis 303.06 Coyote.

(a) Coyote may be taken year round 1/2 hour before sunrise to 1/2 hour after sunset ~~by any legal hunting method~~ **except that during the firearms deer season as described in Fis 301.03(f) hunting shall be in accordance with Fis 303.06(b).**

**(b) 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, pistols as specified in RSA 208:3-d or bow and arrow shall be permitted for the taking of coyote, except pistols shall not be used in the Town of Bow pursuant to RSA 207:3-b.**

(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 1102.11 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 1102.04 or Fis 307.04.

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

- (1) October 15 through ~~December 31~~ **April 10** in WMUs A, B, C, D, E and F; and
- (2) November 1 through ~~January 15~~ **April 10** in WMUs G, H, I, J, K, L and M.

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

Readopt with amendment Fis 303.11, effective 3-7-09 (Doc #9405), to read as follows:

Fis 303.11 Sealing of Furbearing Animals.

**(a)** All furbearing animals, except otter and fisher, shall be exempt from the sealing requirements of RSA 210:8, I.

**(b) Upon sealing any otter or fisher in accordance with RSA 210:8, the trapper or hunter shall provide the following on a fur sealing record:**

- (1) Name and address;**
- (2) Date of birth;**
- (3) Trapping or hunting license number;**
- (4) Telephone number;**
- (5) Method of take;**
- (6) The number of each animal taken and sealed for each town animals were taken in; and**
- (7) Signature subject to the penalties for making unsworn false statements under RSA 641:3.**

Amend Fis 304.06 (o) and (q), effective 3-7-09 (Doc #9405), to read as follows:

Fis 304.06 Cooperative Fencing Program.

(o) Grants shall be issued for ~~75~~**100**% of the ~~fence total~~**materials** cost as specified on the grant application pursuant to Fis 304.06~~(j)~~**(4) Db.** ~~No post-construction adjustments resulting from cost over-runs shall be made.~~

(q) The cooperative fencing grant invoice shall include:

- (1) The applicant's name, address and daytime telephone number;
- (2) A statement that the fence project has been completed in accordance with the fencing proposal approved by the New Hampshire wildlife damage advisory board;
- (3) The dollar amount of expenses that constitutes ~~the 75% requested for reimbursement~~**fencing materials approved for reimbursement**; and
- (4) Signature of applicant, **signed subject to the penalties for making unsworn false statements under RSA 641:3.**

Amend Fis 307.01(f), effective 7-6-09 (Doc #8931), to read as follows:

Fis 307.01 Baiting for Wildlife.

(f) Prior to baiting, the permittee shall distribute the copies of the completed and signed permit as follows:

- (1) The white copy shall be retained by the permittee;
- (2) The canary copy shall be left with the landowner;
- (3) The pink copy with a topographic map or copy thereof showing the specific location of said bait site shall be filed with the conservation officer in whose district baiting is to be done in accordance with RSA 207:3-d II. For purposes of this subparagraph, "filed" as used in RSA 207:3-d II. means presented to or mailed to the conservation officer; and
- (4) The goldenrod copy shall be mailed to the NH fish and game department ~~law enforcement~~ **wildlife** division, 11 Hazen Drive, Concord, NH 03301.

Readopt with amendment Fis 307.02, effective 5-28-08 (Doc #9163), 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) WMUs G, H1, H2, I1, I2, J1, J2, K, L, and M shall open September 1 and close September 21;
- (2) WMUs A, B, C1, C2, D1, D2, E, and F, 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 WMUs A, B, D1, **G**, H1, H2, **I1**, I2, **J1**, **J2**, K, L, and M; and
- (4) A licensed N.H. hunting guide authorized to guide bear hunters under the provisions of Fis 301.06(~~hi~~) shall be allowed a maximum of 6 bait sites.

Readopt Fis 309.01, effective 9-23-03 (Doc # 7963), to read as follows:

Fis 309.01 Chronic Wasting Disease (CWD).

(a) The purpose of this rule is to minimize the risk of hunters bringing potentially diseased hunter killed carcasses or parts into New Hampshire and exposing wild and captive cervid populations to chronic wasting disease (CWD) as CWD is a fatal neurological disorder belonging to a general class of diseases known as transmissible spongiform encephalopathies that is known to affect white-tailed deer, mule deer, elk and perhaps other members of the deer family native to or present in New Hampshire.

(b) For the purpose of this section, the following definitions shall apply:

- (1) "Cervid" means any member of the family Cervidae;
- (2) "CWD positive jurisdiction" means those US states or Canadian provinces in which chronic wasting disease has been found in the wild or captive cervids.

(c) No person shall import into the state any hunter killed cervid carcass or parts of a cervid carcass from CWD positive jurisdictions except for:

- (1) De-boned meat;
- (2) Antlers;
- (3) Antlers attached to skull caps from which all soft tissue has been removed;
- (4) Upper canine teeth, also known as buglers, whistlers or ivories, from which all soft tissues has been removed;
- (5) Hides or capes with no part of head attached;
- (6) Finished taxidermy mounts; or
- (7) Tissues prepared and packaged for use by diagnostic or research laboratories.

Repeal Fis 1102.12 effective 9-28-04 (Doc #8183).

~~Fis 1102.12 Use of Dogs to Take Bear.~~

~~— (a) Applicants for a permit to use dogs to take bear shall provide:~~

- ~~(1) Name and address of applicant;~~
- ~~(2) New Hampshire hunting license number;~~
- ~~(3) The period during which requested action is authorized;~~
- ~~(4) The individual frequencies for radio dog collars to be utilized while taking bear; and~~
- ~~(5) Signature of applicant, signed subject to the penalties for making unsworn false statements under RSA 641:3.~~

**APPENDIX**

<b>Rule(s)</b>	<b>State Statute (RSA)</b>	<b>Federal Statute</b>	<b>Federal Regulation</b>
Fis 301.01	RSA 208:1-a, 208:2, 208:22, 208:22-a, 209:12-a		
Fis 301.02(a)(19)	RSA 208:1-e, 208:2, 208:22-a, 208:5, 208:5-a, 210:23		
Fis 301.03	RSA 208:2, I, 208:5, 208:5-a		
Fis 301.031	RSA 208:2 I, 208:5-b		
Fis 301.033	RSA 208:5, 208:15		
Fis 301.04	RSA 208:15-d		
Fis 301.05	RSA 208:22		
Fis 301.06	RSA 207:3-d, 208:22, 208:24		
Fis 301.07	RSA 208:1-a		
Fis 301.08	RSA 208:1-a, I		
Fis 301.09	RSA 208:1-a, II, II-a		
Fis 302.01	RSA 209:12-a		
Fis 302.011	RSA 207:56		
Fis 302.012	RSA 209:12-a		
Fis 303.02	RSA 206:10; 210:23		
Fis 303.03	RSA 207:56		
Fis 303.06	RSA 206:10, 210:23, RSA 208:1-e		
Fis 303.11	RSA 210:08, RSA 210:8-a		
Fis 304.06(o) & (q)	RSA 207:22-c, I		
Fis 307.01(f)	RSA 207:3-d, 208:1-e, 208:2		
Fis 307.02	RSA 207:3-d, 208:1-e, 208:2		
Fis 309.01	RSA 206:10, I		
Fis 1102.12 (repeal)	RSA 208:22		