

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number **Fis 303.11, 308.05 (f) and 308.07 (c)**

1. Agency Name & Address:

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

2. RSA Authority: **210:8; 210:23; 210:24-b; 541-A**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment **XX**

Repeal _____

Readoption _____

Readoption w/amendment **XX**

5. Short Title: **Wildlife Control Operator annual report form; fur sealing form**

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

The Department proposing to readopt with amendment Fis 303.11 to specify the information that the hunter or trapper must provide when having fisher or otter sealed; amend Fis 308.05(f) to clarify that all level II wildlife control operators must submit an annual report; and Fis 308.07(c) to require on that report an indication as to whether or not they trapped.

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

The rules will affect persons taking fisher or otter and wildlife control operators.

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

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 303.11	210:8; 210:23		
Fis 308.05 (f) and 308.07 (c)	210:24-b; 541-A		

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

Name: **Sandra Falicon**

Title: **Legislative/Rules Coordinator**

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

Phone #: **603-271-3511**
Fax#: **603-271-1438**
E-mail: **comments@wildlife.state.nh.us**

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **May 28, 2009**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **May 18, 2009 3:00 pm**

Place:

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

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

FIS # **09:056** , dated **4/10/09**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There are no costs associated with the existing rule or the proposed rule.
2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.
3. Cost and benefits of the proposed rules(s):
 - A. To State general or State special funds:
None.
 - B. To State citizens and political subdivisions:
None
 - C. To independently owned businesses:
None.

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

The proposed readoption with amendment of Fis 303.11 and the amendment of Fis 308.05 (f) and Fis 308.07(c) rules does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 303.11	210:8; 210:23		
Fis 308.05 (f) and 308.07 (c)	210:24-b; 541-A		

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 and 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 by town; and

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

Amend Fis 308.05(f), effective 6-25-2005 (Doc # 8385), cited and to read as follows:

Fis 308.05 Level II Wildlife Control Operator.

(f) ~~All L~~level II wildlife control operators shall ~~report all nuisance furbearing animals killed~~ submit a wildlife control operator report as specified in Fis 308.07(c).

Amend Fis 308.07(c), effective 5-28-2008 (Doc # 9163), cited and to read as follows:

Fis 308.07 Wildlife Operator Control 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) An indication as to whether or not they trapped;

~~(34)~~ The time period covered by report;

~~(45)~~ The number of nuisance furbearing animals by species killed in each town and wildlife management unit that year; and

~~(56)~~ Licensee's signature subject to the penalties for making unsworn false statements under RSA 641:3.