

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Fis 1601.01, 1601.02 and 1602.01**

<p>1. Agency Name & Address:</p> <p>NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: <u> 233-A:14 </u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption <u> XX </u></p> <p style="padding-left: 20px;">Readoption w/amendment _____</p>
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5. Short Title: **Fish and Game Boat Access rules**

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

The Department is proposing to readopt the interim rules relative to boat access facilities as regular rules. The rules contain definitions and restrictions for those persons using the access sites.

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

The rules would affect persons using Fish and Game managed boat access facilities.

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
1601.01, 1601.02 and 1602.01	RSA 233-A:3		

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

Name: **Sandra Falicon** Title: **Legislative/Rules Coordinator**
Address: **NH Fish and Game Department** Phone #: **603-271-3511**
11 Hazen Drive Fax#: **603-271-1438**
Concord, NH 03301 E-mail: **comments@wildlife.nh.gov**
Subject line: boat access 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: **January 21, 2010**

Fax E-mail Other format
(specify):

9. Public hearing scheduled for:

Date and Time: **January 11, 2010 3pm**

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

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

FIS # **09: 124** , dated **7/28/2009**

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

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

The proposed readoption of Fis 1600 relating to boat access rules does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

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Readopt Fis 1601.01, 1601.02 and 1602.01, effective 6/25/2009 (Doc #9492), cited and to read as follows:

PART Fis 1601 CHAPTER DEFINITIONS

Fis 1601.01 "Boat access facility" means all of the property owned or controlled by the fish and game department which provides public access to public waters.

Fis 1601.02 "Boat launch area" means the area which includes the parking lot, the approach and staging area, the boat ramp and 50 feet on any side of the launch ramp.

PART Fis 1602 DEPARTMENT CONTROLLED BOAT ACCESS FACILITIES

Fis 1602.01 Department Controlled Boat Access Facilities.

(a) Any person parking a vehicle at a boat access facility shall park in a designated parking area. Where no parking area is designated, no person shall park any vehicle and/or trailer in an area which has been posted to prohibited parking.

(b) No person except a law enforcement officer shall obstruct any other individual from launching a watercraft at a boat access facility.

(c) No person shall park any vehicle or moor a watercraft in such a manner as to obstruct any avenue of ingress or egress, except for the purpose of launching at the boat launch area.

(d) No person shall park any vehicle without an attached trailer, or trailer alone, in an area which has been designated for the parking of vehicles with attached trailers at a boat access facility.

(e) No person shall leave any vehicle and/or trailer at a boat access facility for a period of greater than 24 continuous hours.

(f) If the boat access facility is filled to capacity, the facility shall be closed to entry by additional vehicles and trailers until such time as additional parking is available and the safety of all individuals can be ensured.

(g) The boat access facilities shall be open to the public 24 hours a day except that between 10:00 pm and 5:00 am, the access sites shall be used solely for the purpose of launching and retrieving watercraft and/or fishing from shore. No other use of the boat access facility shall be allowed during those hours.

(h) No person shall camp at a boat access facility.

(i) No person shall swim at a boat launch area.

(j) No person shall swim at the following boat access facilities:

(1) Newfound Lake in Bristol; or

(2) Barbadoes Pond in Dover.

(k) No person shall consume alcoholic beverages or possess an open container of alcoholic beverage at a boat access facility.

(l) No person shall discharge a firearm on the land of the boat access facility, if the person when discharging the firearm is within 300' of an occupied building.

(m) No person shall conduct a commercial or business activity at a boat access facility.

(n) No person shall attach, affix or mount any commercial or private advertisement to a department owned kiosk, building or to any other area of the boat access facility;

(o) No person shall remove, destroy, or damage any tree, shrub, vine or terrestrial plant or any part thereof at a boat access facility.

(p) No person shall leave or store watercraft, unless otherwise posted at a boat access facility.

(q) No person shall discharge a firearm, fireworks or explosive device at the Newfound Lake boat access facility.

(r) Vehicles, boats or trailers parked contrary to these rules shall be towed at the owners expense.

(s) An access facility shall be closed to all public use during repair, maintenance, emergency or when the safety of all users cannot be maintained.

APPENDIX

RULE NUMBER	STATE STATUTE IMPLEMENTED
Fis 1601.01, 1601.02 and 1602.01	RSA 233-A:3