

RULEMAKING NOTICE FORM

Notice Number _____ Rule Number **Fis 1101.01(d), Fis 1205.01 & Fis 1205.02**

<p>1. Agency Name & Address:</p> <p>NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: <u>207:56; 214:9 X.(b)</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption <u>XX</u></p> <p>Amendment <u>XX</u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment _____</p>
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5. Short Title: **Pheasant license fee increase; Sporting club youth pheasant events**

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

The Department is proposing to amend Fis 1101.01(d) to increase the pheasant fee from \$15.00 to 25.00.

The Department is proposing rules (Fis 1205) which would allow sporting clubs to apply for a sporting club youth pheasant event permit for the purpose of promoting NH's special heritage and teaching hunting practices. The sporting club youth pheasant event permit shall allow a sporting club to possess and release pheasants solely for conducting these events. The rules specify the criteria and conditions for applying for and conducting an event, as well as for participating.

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

The rules would affect persons taking pheasants and clubs wanting to hold youth events.

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 1101.01(d)	214:9 X.(b)		
Fis 1205.01 & Fis 1205.02	207:56; 207:58		

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: pheasant 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: **July 10, 2009**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **June 15, 2009 6:30 pm**

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

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

FIS # **09: 072** , dated **5/11/2009**

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 increase pheasant license revenue by \$64,340 and increase costs to state citizens to the extent they obtain a pheasant license.

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 6,434 pheasant licenses were sold in 2008 and estimates the \$10 fee increase will generate an additional \$64,340 to the pheasant account within the Fish and Game Fund in FY 2010 and each year thereafter.

B. To State citizens and political subdivisions:

To the extent that a citizen obtains a pheasant license, an additional \$10 cost will be incurred as a result of the fee increase. There would be no fiscal impact on political subdivisions.

C. To independently owned businesses:

None.

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

The proposed amendment of Fis 1101.01(d) and the adoption of Fis 1205.01 & Fis 1205.02 relating to pheasant 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 1101.01(d)	214:9 X.(b)		
Fis 1205.01 & Fis 1205.02	207:56; 207:58		

Amend Fis 1101.01(d), effective 9/28/2004 (Doc 8183), to read as follows:

Fis 1101.01 Multi-license Form.

(d) The fee for the pheasant license shall be ~~\$15.00~~\$25.00.

Adopt Fis 1205 to read as follows:

PART Fis 1205 SPORTING CLUB YOUTH PHEASANT EVENT

Fis 1205.01 Sporting Club Youth Pheasant Event Permit.

(a) Sporting clubs may apply for a sporting club youth pheasant event permit for the purpose of introducing youth hunters to pheasant hunting. The sporting club youth pheasant event permit shall allow a sporting club to possess and release pheasants solely for the purpose of promoting NH's special heritage and teaching hunting practices.

(b) A sporting club youth pheasant event permit shall be issued only to an organized sporting club as defined in RSA 206:2(III).

(c) The youth pheasant event shall be held on club property or other land for which written permission has been obtained.

(d) No other activities shall be allowed under this permit.

(e) A sporting club youth pheasant event permit shall be valid only for the premises described in the application and may include a list of up to 5 sites.

(f) Sites identified in Fis 1205.01(c) shall be at least 25 acres in size.

(g) Youth hunters shall be 12 – 15 years of age and shall have a hunter education certificate of completion.

(h) Youth hunters shall be accompanied by an adult 18 years of age or older who is licensed to take pheasant, unless the person is a resident landowner engaged in the regulated activity on their own property pursuant to RSA 214:2, and

(i) The adult accompanying the youth hunter shall not carry a firearm.

(j) Each adult shall not be accompanied by more than 2 youths participating in the sporting club youth pheasant event.

(k) The permittee shall comply with the requirements for possession as specified in Fis 804.09 and .10, except that a separate permit to possess shall not be required.

(l) The youth pheasant event for taking pheasants under the sporting club youth pheasant event permit shall be on the Saturday prior to September 29th annually.

(m) The sporting club shall be responsible for:

(1) The administration and registration of participants for the event;

(2) The purchase and release of pheasants for the event.

(n) Use of state owned wildlife management areas shall be subject to the requirements of Fis 902.01.

(o) The sporting club youth pheasant event permit shall not be used as a regulated shooting area permit.

(p) No fees shall be charged by the permittee to another individual participating in this regulated activity.

Fis 1205.02 Sporting Club Youth Pheasant Event Permit Application.

(a) The applicant for a sporting club youth pheasant event permit shall include the following:

(1) Name of the sporting club;

(1) Name of applicant;

(2) Applicant's street address and mailing address;

(3) Applicant's telephone number;

(4) Exact location of properties where proposed activity will occur;

(5) The name, address and telephone number of person giving applicant the right to use another person's property under this permit, if applicable;

(6) A copy of the written permission of landowner for use of the properties described above, if applicable;

(7) Date of application; and

(8) Signature of applicant, signed subject to the penalties for making unsworn statements under RSA 641:3.