

Bill as
Introduced

HB 259-FN – AS INTRODUCED

2013 SESSION

13-0718

10/03

HOUSE BILL 259-FN

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straff 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Fish and Game and Marine Resources

ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

13-0718

10/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

(a) If a person is a resident of this state and does not take lobsters or crabs for the purpose of sale and does not use more than 5 traps, the person may receive a

recreational lobster and crab license. *A person receiving a recreational lobster and crab license may not also receive the scuba diver lobster license under paragraph III-c.*

2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after paragraph III-b the following new paragraph:

III-c.(a) For a \$35 fee, a person who wishes to engage in scuba diving as a recreational activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

(b) The scuba diver lobster license shall be valid for the month of September only.

(c) The license shall consist of letters and/or numbers which the person engaged in scuba diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it readily visible to a conservation officer.

(d) The number of lobsters taken per day by a scuba diver holding an license under this paragraph shall not exceed 5 per licensee and shall be taken only for the consumption by the licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate a lobster into coming out of its hole, shall be permitted.

(e) All lobsters taken under a scuba diver lobster license shall be of legal size, as provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more than 5 lobsters at any time.

(f) The scuba diver lobster license may not be transferred to any other person.

(g) Annual catch reports shall be required of all scuba diver lobster license holders at the time of renewal or, if not renewing license, at year end. Annual catch information, in a format determined by the executive director, shall be required of all divers before renewal application will be accepted.

(h) The executive director shall adopt rules for the issuance of the license under this paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph provided such rules conform with requirements applicable to recreational and commercial lobster license holders.

3 Effective Date. This act shall take effect January 1, 2014.

LBAO

13-0718

01/14/13

HB 259-FN - FISCAL NOTE

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

FISCAL IMPACT:

The New Hampshire Fish and Game Department states this bill, as introduced, will increase state restricted revenue by an indeterminable amount in FY 2014 and each year thereafter. There will be no fiscal impact on state, county, and local expenditures, or county and local revenue.

METHODOLOGY:

The Fish and Game Department states this bill creates a new \$35 license for the noncommercial taking of lobsters while scuba diving. The bill states the number of scuba diver lobster licenses available each year shall be equal to the number of recreational lobster and crab licenses available each year. The Department states the number of recreational lobster and crab licenses is currently unlimited, so there is no cap on the number of scuba diver lobster licenses that may be issued. The Department states it is unable to estimate how many licenses might be sold. Revenue from the licenses would be deposited into the Fish and Game Fund. The Department states the bill may result in an increased workload for Department employees, should it create conflicts with commercial and recreational trap lobsterman that require covert law enforcement time to observe and/or apprehend violators. As this work would be performed by existing personnel, it would represent no additional cost to the Department. However, existing duties the employees perform may be postponed or curtailed as a result of the additional duties necessitated by the bill.

HB 259-FN - AS AMENDED BY THE HOUSE

6Mar2013... 0386h

27Mar2013... 0973h

2013 SESSION

13-0718

10/03

HOUSE BILL **259-FN**

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

SPONSORS: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

COMMITTEE: Fish and Game and Marine Resources

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving. The authority to issue the special scuba diver lobster licenses is repealed January 1, 2016.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 259-FN - AS AMENDED BY THE HOUSE

6Mar2013... 0386h
27Mar2013... 0973h

13-0718
10/03

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Lobster Licenses; Recreational Licenses. Amend RSA 211:18, III(a) to read as follows:

2 (a) If a person is a resident of this state and does not take lobsters or crabs for the
3 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
4 crab license. ***A person receiving a recreational lobster and crab license may not also receive***
5 ***the scuba diver lobster license under paragraph III-c.***

6 2 New Paragraph; Special Scuba Diver Lobster License. Amend RSA 211:18 by inserting after
7 paragraph III-b the following new paragraph:

8 III-c.(a) For a \$35 fee, a resident who wishes to engage in scuba diving as a recreational
9 activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through
10 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba
11 diver lobster license issued by the executive director. The executive director shall make available a
12 number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and
13 crab licenses available each calendar year under subparagraph III(a).

14 (b) The scuba diver lobster license shall be valid for the month of September only.

15 (c) The license shall consist of letters and/or numbers which the person engaged in scuba
16 diving shall affix to his or her diving tanks and regulation dive flag in a contrasting color making it
17 readily visible to a conservation officer.

18 (d) The number of lobsters taken per day by a scuba diver holding an license under this
19 paragraph shall not exceed 5 per licensee and shall be taken only for the consumption by the
20 licensee, and the licensee's family and guests. No person shall at any time take any lobsters by any
21 method except by hand. Use of a tickle stick, which is a straight or slightly bent stick used to agitate
22 a lobster into coming out of its hole, shall be permitted.

23 (e) All lobsters taken under a scuba diver lobster license shall be of legal size, as
24 provided by RSA 211:62 and in accordance with RSA 211:27, measured immediately upon capture on
25 the seafloor before surfacing. An equipped scuba diver shall not have in his or her possession more
26 than 5 lobsters at any time.

27 (f) The scuba diver lobster license may not be transferred to any other person.

28 (g) Annual catch reports shall be required of all scuba diver lobster license holders at the

HB 259-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 time of renewal or, if not renewing license, at year end. Annual catch information, in a format
2 determined by the executive director, shall be required of all divers before renewal application will
3 be accepted.

4 (h) The executive director shall adopt rules for the issuance of the license under this
5 paragraph, and rules governing the sex and size of lobsters allowed to be taken under this paragraph
6 provided such rules conform with requirements applicable to recreational and commercial lobster
7 license holders.

8 3 Scuba Diver Lobster License Removed; 2016. Amend RSA 211:18, III(a) to read as follows:

9 (a) If a person is a resident of this state and does not take lobsters or crabs for the
10 purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and
11 crab license. [~~A person receiving a recreational lobster and crab license may not also receive the~~
12 ~~scuba diver lobster license under paragraph III c.~~]

13 4 Repeal; 2016. RSA 211:18, III-c, relative to special scuba diver lobster licenses, is repealed.

14 5 Effective Date.

15 I. Sections 3 and 4 of this act shall take effect January 1, 2016.

16 II. The remainder of this act shall take effect January 1, 2014.

HB 259-FN - AS AMENDED BY THE HOUSE

LBAO
13-0718
Revised 04/11/13
Amended 03/28/13

HB 259 FISCAL NOTE

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

FISCAL IMPACT:

The New Hampshire Fish and Game Department states this bill, as amended by the House (Amendment #2013-0973h), will increase state restricted revenue by an indeterminable amount in FY 2014 through FY 2016. There will be no fiscal impact on state, county, and local expenditures, or county and local revenue.

METHODOLOGY:

The Fish and Game Department states this bill authorizes the Department to issue a newly created \$35 license for the noncommercial taking of lobsters while scuba diving to New Hampshire residents between January 1, 2014 and January 1, 2016. The bill also specifies the number of scuba diver lobster licenses available each year shall be equal to the number of recreational lobster and crab licenses available each year. The Department states the number of recreational lobster and crab licenses is currently unlimited, so there is no cap on the number of scuba diver lobster licenses that may be issued. The Department states it is unable to estimate how many licenses might be sold. Revenue from the licenses would be deposited into the Fish and Game Fund. The Department states the bill may result in an increased workload for Department employees, should it create conflicts with commercial and recreational trap lobsterman that require covert law enforcement time to observe and/or apprehend violators. As this work would be performed by existing personnel, it would represent no additional cost to the Department. However, existing duties the employees perform may be postponed or curtailed as a result of the additional duties necessitated by the bill.

Amendments

Rep. Duarte, Rock. 2
February 14, 2013
2013-0386h
10/01

Amendment to HB 259-FN

Amend the bill by replacing all after section 2 with the following:

3 Scuba Diver Lobster License Removed; 2016. Amend RSA 211:18, III(a) to read as follows:

(a) If a person is a resident of this state and does not take lobsters or crabs for the purpose of sale and does not use more than 5 traps, the person may receive a recreational lobster and crab license. [~~A person receiving a recreational lobster and crab license may not also receive the scuba diver lobster license under paragraph III-e.]~~

4 Repeal; 2016. RSA 211:18, III-c, relative to special scuba diver lobster licenses, is repealed.

5 Effective Date.

I. Sections 3 and 4 of this act shall take effect January 1, 2016.

II. The remainder of this act shall take effect January 1, 2014.

2013-0386h

AMENDED ANALYSIS

This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving. The authority to issue the special scuba diver lobster licenses is repealed January 1, 2016.

Rep. Lovejoy, Rock. 36
March 18, 2013
2013-0973h
10/04

Amendment to HB 259-FN

Amend RSA 211:18, III-c (a) as inserted by section 2 of the bill by replacing it with the following:

III-c.(a) For a \$35 fee, a resident who wishes to engage in scuba diving as a recreational activity and not for the purpose of commerce, and who is in compliance with RSA 270:31 through 270:32-a, and has attained 18 years of age, shall be permitted to take lobsters under a special scuba diver lobster license issued by the executive director. The executive director shall make available a number of scuba diver lobster licenses that is equivalent to the number of recreational lobster and crab licenses available each calendar year under subparagraph III(a).

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
ENERGY AND NATURAL RESOURCES

Printed: 04/18/2013 at 12:08 pm

Senator Russell Prescott Chairman
Senator Bob Odell V Chairman
Senator Jeb Bradley
Senator Martha Fuller Clark
Senator Jeff Woodburn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: April 18, 2013

HEARINGS

Wednesday

4/24/2013

ENERGY AND NATURAL RESOURCES

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB184-FN	relative to the oil discharge cleanup fund.
9:15 AM	HB189	(New Title) extending the commission to study water infrastructure sustainability funding.
9:30 AM	HB588	extending the instream flow pilot program for 2 years.
9:45 AM	HB535	establishing the white potato as the state vegetable.
10:00 AM	HB259-FN	relative to special licenses for taking lobster while engaged in recreational scuba diving.

Sponsors:

HB184-FN

Rep. Leigh Webb

Sen. Lou D'Allesandro

Sen. Bob Odell

Rcp. Robert Haefner

HB189

Rep. Lawrence Kappler

Rep. Daniel Itse

Rep. Peter Hansen

Rep. Alfred Baldasaro

Rep. Joseph Pitre

Sen. John Reagan

Rep. Kenneth Weyler

HB588

Rep. Judith Spang

Rep. Jane Beaulieu

Rep. Marjorie Smith

Sen. David Watters

Sen. John Reagan

Rep. Philip Ginsburg

HB535

Rep. John O'Connor

Sen. Jim Rausch

Rep. James Webb

Rep. Beverly Ferrante

Rep. Frank Sapareto

Rep. David Thompson

Rep. Mary Till

Rep. Robert Fesh

Rep. Brian Chirichiello

Rep. David Milz

HB259-FN

Rep. Joe Duarte

Rep. Daniel Tamburello

Rep. Laurence Rappaport

Rep. Joseph Pitre

Rep. Andrew Renzullo

Sen. John Reagan

Sen. David Boutin

Chris Cote 271-3067

Sen. Russell Prescott

Chairman

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Chris Cote, Legislative Aide

HB 259 – relative to special licenses for taking lobster while engaged in recreational scuba diving.

Hearing Date: 4.24.13

Time Opened: 10:22am

Time Closed: 11:40am

Members of the Committee Present: Senators Bradley, Fuller Clark, Odell, Prescott, and Woodburn

Members of the Committee Absent: none

Bill Analysis: This bill allows the fish and game department to issue special scuba diver lobster licenses for noncommercial taking of lobsters while engaged in recreational scuba diving. The authority to issue the special scuba diver lobster licenses is repealed January 1, 2016.

Sponsors: Rep. Duarte, Rock 2; Rep. Tamburello, Rock 5; Rep. Rappaport, Coos 1; Rep. Pitre, Straf 2; Rep. Renzullo, Hills 37; Sen. Reagan, Dist 17; Sen. Boutin, Dist 16

Who supports the bill: Sen. Dave Boutin, Carl Cleary Scuba Instructor, Rep. Moe Villeneuve, Larry Pilote, Rep. William O'Brien, Rep. Ralph Bolan, Rep. Warren Groen, Rep. Carol McGuire, Rep. Frank Sapare, Rep. Doran, Rep. Renzullo, Rep. Richard Barry, Rep. Regine Birdsell, Rep. Joe Pitre, Rep. Ken Weyler, Rep. Tim Conneroy, Rep. Joe Duarte, Walter Foubion Scuba Diver, David Gitz Scuba Diver, Shon Dubois, Frederick Robinson Diver, Joslyn Dewys Diver, Samantha Robinson Diver, Jacob Dubois Diver, John Magruder Wayne Philibent, Catherine Corkery Sierra Club,

Who opposes the bill: Sen. Nancy Stiles, Scott Rawding Dover City Councilor, Erik Anderson Fisherman, Bobby Nudd Fisherman, Joshua Ford Fisherman, Joshua Heath Fisherman Fisherman, Gary Glidden Fisherman, Jim Titone Fisherman, Nick Fugere Fisherman, Josiah Beringer Lobsterman, Mike Flannigan Fisherman, Bill Marconi Fisherman, Chris Adamaitis Fisherman, Damon Frampton Lobsterman, Glenn Normandeau, George Ricker Lobsterman, Chesley Severns Lobsterman, Ed Wallace Lobsterman, James Willworth Lobsterman,

Summary of testimony presented in support:

- Rep. Duarte, this was very popular in the House, diving for lobster is not easy, these animals are well defended, NH and Maine do not allow divers to harvest lobster, there is a great deal of misinformation out there, taking lobster from someone's trap carries a \$2000 fine, in MA there are no problems associated with divers over say more conventional methods of taking lobster, the enforcement area of NH would be small than RI and MA, the fees are reasonable and not onerous, this bill allows only 5 lobster per day for 30 days (September), and you cannot sell lobster you pickup with a recreational license, this will not lead to habitat destruction, the rocks that these lobster live under will not be moved by divers, many residents cannot afford the rec license process, but they can afford gear and diving equipment, all lobster become trapped but divers could discriminate, often predator fish follow boats and cast off specimens are eaten when taken from the trap and thrown back, when a lobster pot is dragged and retrieved it damages habitat, in MA they say that divers tend to take care of the habitat better than others,
- Carl Clary, diving instructor, diving for over 27 years, in support of the bill, very conscientious about the habitat, these will be experienced divers, safety is a concern but there are lobstermen who encroach on diving territory, a charter business would be good for the economy and spur new jobs, diving for lobster would give more challenges to people who dive, self policing practice, you cannot truly measure the impact of an action without a trial period,
- Larry Poulton, Diver, spent 30 years diving the coast, believe that divers and lobstermen can coexist, started to lobster fish and does not any more, now dives for the state doing milfoil removal, people have a desire about the ocean and learning more, divers care about the ocean, best divers in the world come from NE, leaving testimonial about life, in support of this bill,
- Shawn Dubois, scuba diver and rec fisherman, whole family dives, believe in diving safely especially around other boats, own a boat and believe in taking care of the resource, traps are causing harm and destroying habitat, in MA the divers dive all year and take less than 1%, in this bill it would be only 30 days, there are numerous diving opportunities out there but it only makes sense to allow for the taking of lobster, plenty of lobster to take, little impact,
- John McGrudder, in support of this bill, contribute to the environment, care for the environment, just want to share in the resource, matter of fairness, typically avoid diving around traps because of the dangers, divers avoid getting hurt, 30 days is not a long time,
- Greg Hill, there would really be only one time a day for divers to go out and only 20 days out of the 30 that you could go, this will not be an infringement on supply, articles suggest that there is plenty of lobster, picked September because this is the time when lobster move away from shore and fewer divers would be willing to go out, it is a family sport and fun, enforcement would not be an issue,
- Dave Dodge, owns a scuba shop, lived in MA, before you get a lobster license in MA, you must disclose the year before, monitored by a number of

regulatory agencies, divers pay taxes the same as the lobstermen do, discrimination,

- Steven Cantelli, diver, past president of Diver of NH, in support of this bill, the way this is written, holders of a recreational license could not dive for lobster, 6 locations to access the water as a diver across the 16 miles of coast, divers of NH are safe divers, divers do not get hit by boats typically and it would not happen, boats go out at different times, dive charters do not succeed in NH because there are not enough divers,

Summary of testimony presented in opposition:

- Sen. Nancy Stiles, in opposition to this bill, heard from fishermen that this could have a detrimental impact and we need to protect our lobster industry, it would create an unsafe condition for our fishermen, please vote ITL,
- Glen Normandeau, Director of NH Fish and Game, Commission voted unanimously to oppose this bill, Fisheries advisory voted against this bill, Doug Grout Fisheries chief voted against this bill, lobster is a limited resource and must be protected and the taking of lobster is done through trapping, concerned about the future of the industry, only 40 miles of coast and highly concerned about safety issues, concerned this will spawn a charter business bringing in more people, MA is really the only true active lobster diving state, Q: Bradley, there is a concern about the species and resource protection? A: in the long run, today we have a healthy resource, the future is uncertain, Q: could you illuminate the enforcement issues associated with this? A: defer those questions to Major Jordan, safety is my concern,
- Q: Woodburn, how practical is it to swim around and grab a lobster? A: move around more at night and they can be found
- Scott Rodding, diving since 1973, lobstering since 1984, as a diver he was a SEAL, limited commercial license since 1984, opposes this legislation, the illegality of taking lobster is quite clear and to allow the new practice would open the door to poaching and new challenges, there are safety concerns to understand for the resource, lobster will fight to be taken and potentially be harmed by rough handling, the other issue is that because the lobsters are not banded they will fight each other, please vote this down,
- Eric Anderson, President of NH Commercial Fishermen Association, against this bill, this could be a destructive bill, this bill keeps coming forward and frankly it is unenforceable, there are no clear limits that would be enforceable in all situations, another issue is safety and that is paramount, anytime you mix gear types or put boats in close proximity with divers there could be a problem, harm could come to divers, as well as equipment, what takes place in other states does not mean that NH has to adopt it, the commercial industry is fine with traps and that is the preferred method, Q: Bradley, number of conversations about this issue, how many people are changing what they catch? A: Several people are making the change to other species and resources to maintain their work, Q: Woodburn, what is the

breakdown of this industry? A: the boats in the state are not consolidated operations; these are small businessmen, independent,

- Joshua Ford, diver, and fisherman for lobster, does dive for scallops, there are safety issues to consider, geared up and diving against the tide, very challenging to do and with limited days they may go out on dangerous days,
- Fobi Nudd, represent the commercial lobster industry in this state for a number of years, trapping is a passive method, diving is destructive and disruptive, met with a number of lobster biologists and they agree that diving for lobster is a very bad idea,
- Jim Taltone, Lobster fisherman, sustainability is the main concern of the resource, the lobster population is under stress, baited lobster traps provide a good source of food for lobsters and are one of the largest aquaculture projects in the world, taking lobsters by diving does not contribute to the sustainability of the practice of taking lobsters,
- Josiah Berringer, commercial fishermen for lobster, we have never had divers in NH and they do not contribute to the resource, in opposition
- Mike Flannigan, in opposition, lobster fisherman, not opposed to divers, but should not have divers take lobsters, where they allow diving for lobster the resource is failing, there are numerous safety measures in place for lobster when trapping but not when diving,
- Bill Marcone, lobster fisherman, safety issues surrounding fishing, if divers were there it would be even more of a concern, the easiest way for a diver to get a lobster is to steal from a trap, opposed to this bill,
- George Ricker, commercial fisherman, how many really report the take in MA? In NH and Maine there are log books that must be filled out or wages will be taken until they are, safety is again a concern, law enforcement is stretched thin, and to force law enforcement to enforce another set of laws would be wrong,

Fiscal Note:

See Fiscal Note

Future Action:

CSC

Date hearing report completed: 4.26.13

[file: HB 0259 report]

Speakers

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date: 4.24.13

Time: 10AM

Public Hearing on HB 259-FN

HB 259-FN - relative to special licenses for taking lobster while engaged in recreational scuba diving.

Please check box(es) that apply:

SPEAKING FAVOR		OPPOSED	NAME (Please print)	REPRESENTING
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SENATOR DAVID BOUTIN	DISTRICT #16
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Carl E. Cleary	SCUBA Instructors
✓	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SCOTT RAWLINS	DOVER CITY COUNCILOR
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP ADE VILLENEUVE	BEDFORD DIST 7 WA
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	LARRY PILOTTE	Goffstown NH.
	<input type="checkbox"/>	<input type="checkbox"/>	DAVID A DODGE	KEENE NH
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. William O'Brien	Hillsborough Dist. 5
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep BAIPALOHAM	HILLS 20
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NARCEN GROEN	ROCK 10
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Carol McGuire	Merr 29
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Frank Saporito	Rock 6
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Romeo Dancis	Rock 2
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Andy Renzollo	Hills 37
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	REP. RICHARD BARRY	HILLS 21
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Regine Birdsell	Rock 13
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep JOE PITRE	STAFFORD 2
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Ken Weyler	Rock 8
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rep. Tim Conway	Rock 33
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	JOE DWARTE SPANSON	Rock 2
✓	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	X Sen Nancy Stiles	Dist 24

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

Date: 4.24.13 Time: 9AM Public Hearing on HB184-FN

259-FN Scuba Lobster
 HB 184-FN - ~~relative to the oil discharge cleanup fund.~~

Please check box(es) that apply:

SPEAKING FAVOR		OPPOSED	NAME (Please print)	REPRESENTING
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Eric Anderson	FISHERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Bobby Neel	FISHERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Joshua Furl	FISHERMAN
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Joshua Heath	FISHERMAN
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> GARY GLIDDEN	FISHERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Jim TITONE	FISHERMAN
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> NICK FUGERE	FISHERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Josiah Beringer	LOBSTERMAN
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Walter Fabian	SCUBA DIVER
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> David G. St	Scuba Diver
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> MIKE FLANIGAN	FISHERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Bill MARCOM	FISHERMAN
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Chris Adamaitis	Fisherman
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Shon Dubois	Diver
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> Damon Frampton	LOBSTERMAN
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/> Frederick Robinson	Diver
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Joslyn Dewys	Diver
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Samantha Robinson	Diver
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Jacob Dubois	Diver

2

Testimony



New Hampshire Fish and Game Department

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New Hampshire Fish and Game Department Testimony in Opposition of HB 259

Senate Energy & Natural Resources Committee April 24, 2013

Good morning Mr. Chairman and members of the Committee. For the record, my name is Doug Grout, Chief of Marine Fisheries for the Fish and Game Department. The Fish and Game Commission voted to oppose HB 259 relative to special licenses for taking lobster while engaged in recreational scuba diving.

New Hampshire's lobster fishery is the state's most valuable commercial fishery contributing more than \$12 million annually in revenues to the more than 350 licensed commercial harvesters. Certain economic models suggest the overall contribution to New Hampshire's economy is likely 3 to 4 times that amount or roughly 60-80 million dollars. As such, this is a highly regulated fishery with a variety of laws and rules designed to maintain a healthy lobster resource and a robust fishery. According to the most recent stock assessment, the lobster population in the Gulf of Maine is currently not overfished and has healthy abundance levels.

Every resident of New Hampshire can purchase a license to harvest lobsters in the State including recreational harvesters via the open access 5 trap license. This legislation is not about providing access to a user group that has been denied access to the resource. Currently, New Hampshire law requires that all harvesters of lobsters in our state waters, both recreational and commercial, use the same method of harvest - the lobster trap.

The Department has four major concerns about the effects of HB259: various enforcement concerns, damage to the lobsters from handling, degradation of marine habitat and the increase in user conflicts.

From an enforcement perspective, the activity of taking lobsters via SCUBA diving presents an immense challenge for law enforcement. Even now, there are reported conflicts between lobster harvesters and SCUBA divers if the divers are anywhere in the vicinity of lobster traps. Complaints that SCUBA divers are "Poaching my traps" require considerable amounts of covert law enforcement time to observe and apprehend the violators. However, the current law prohibiting the possession of lobsters by a diver has been a sufficient deterrent to poaching traps in most instances. The deterrent effect of the current law would no longer be in force during the open season for taking lobsters by diving, and the ease in which lobsters of legal size could be found in lobster traps, which select for legal sized lobsters, might prove too enticing for some divers. If this legislation is signed into law, the best evidence for a successful prosecution would be to observe the divers actually taking lobsters from the traps, which would require a Conservation Officer to be diving in the immediate area and observe the illegal activity. In effect this would make prosecution of a diver taking a lobster from someone's trap nearly impossible.

Secondly, we are also concerned about the effect this method of capture may have on the lobsters themselves. While trap fishing is a passive form of capture (i.e. lobsters crawl into the baited traps on

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FAX (603) 868-3305
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15 Ash Brook Court
Keene, NH 03431
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email: reg4@wildlife.nh.gov

their own), capture via SCUBA diving is an active form that involves grabbing and often times chasing a fleeing lobster to capture it. A lobster will sometimes shed one or both claws during this active form of capture in an attempt to escape. SCUBA divers will encounter and handle numerous short (undersized) lobsters for each legal size lobster they encounter, and while lobsters will eventually regenerate the lost claws, the cumulative short-term loss could be significant. In addition, newly molted soft shell lobsters hide under rocks for several weeks until their shells have hardened and would be vulnerable to this kind of handling. A newly molted lobster's body is literally soft as Jell-O and when handled could sustain severe or life threatening damage to its internal organs.

Next, we are concerned about the negative effect that this method of harvest would have on the near shore habitat. Lobsters spend most of their time burrowed underneath rocks, in eelgrass beds, or burrowed in mud holes. These habitats are home to not just lobsters but numerous species of marine invertebrates and plants that form the foundation to the marine ecosystem. To capture lobsters, divers would need to turn over numerous rocks on every dive damaging or killing marine life that is attached to the top of them and/or rummage through areas of eelgrass beds disrupting their fragile root system. The cumulative effect of several hundred licensed divers making even just one lobster dive per year along our short coastline would be significant.

In contrast, the lobster trap is a passive capture device and several rules have been implemented regarding trap construction that minimize their impact on the lobster resource and their habitat. For example, all traps are required to have runners that raise the trap off the ocean floor and minimize the impact on marine habitat as the traps are being hauled by lobster harvesters. In addition, the traps are required to have escape vents to permit escapement of juvenile, undersized lobsters as well as biodegradable escape panels that allow adult lobsters to get out of the traps after a period of time if they are lost due to storms or other reasons.

Finally, I would like to provide some insight as to why we feel it is important for New Hampshire to continue to limit lobster harvest to traps only, while our states to the south allow harvest by other methods including SCUBA diving. In addition, to the reasons previously mentioned relative to law enforcement, the lobster resource and marine habitat, New Hampshire is unique in having by far the smallest coastline in the US. This results in a higher potential for conflicts between the many users of the marine resources in our short coastline. So the challenge with such a short coastline has always been to provide access to the state's marine resources while maintaining healthy populations of fish, lobster, shellfish and their habitat. The Fish and Game Department has worked with past legislatures to pass laws that seek to accomplish this balance including limiting the harvest of certain shellfish to residents only and prohibiting the use of mobile fishing gear such as otter trawls in state waters. Limiting the harvest of lobsters to traps is also a management measure that seeks to maintain that balance in our short coastline.

In conclusion, we want to emphasize that people can currently harvest lobsters recreationally in New Hampshire via the 5 trap license and this is an open system available to any resident. The Department believes the current system of harvesting lobsters via traps only provides a uniform enforcement opportunity while trying to provide balanced access to the resource.

The State's Advisory Committee on Marine Fisheries also opposes the legislation.

Thank you for the opportunity to testify today and the Department urges the Committee to vote HB 259 inexpedient to legislate.

DUARTE
HB 259
Testi

LOB
101
10 AM

~~From: [redacted]~~
~~To: [redacted]~~
Sent: Monday, April 22, 2013 1:29:18 PM

**NH259 passed a role call house floor vote 303 yea to only 66 against
Great support both sides of the aisle**

1. Humor storytelling
Crusher or Ripper story

**Shocking statistics Only Only 2 out of all 14 states that's the
entire East coast do not allow Divers to harvest lobsters
Yep NH and Maine list states**

If you or any of your family were a divers What would you say? Why only us?

I believe some Fish and Game officials have a commercial lobster

license ?

NO Complaints FROM REC people

Let us look at the previous testimony we have heard from way back when.

When someone expresses their concerns why they oppose HB259 Ask yourself if I
were a Diver
wouldn't I ask How do all the other states handle these issues?

**If These were real concerns and problems why haven't any of the 12 states
revoked the divers permits? I wonder are these concerns real? I think not
I hear**

Enforcement and habitat destruction

**Taking a lobster from someone Else's trap has a Possible fine of \$2000
up to a yr in jail Last summer a glut of lobsters \$2.50 a pd.
That is a very good deterrent for the few bad folks**

I did I call and ask. Ma. Fish & game and Rhode Island marine fisheries
RI

Ma Dan Mckiernan No More problems with Divers than any other lobster or
fishing enforcement rules

Ma has over 200 miles of Coastline

R.I. has over 40 NH has much less.

**Ma \$40 Rec trap license no extra charge for a divers permit can have both types of
license.**

Family members NO EXTRA CHARGE

10 trap rec license 15 lobster per day for the whole season

Rhode'Island \$40 extra for divers 8 lobsters per day whole season

NH bill 259 \$35 Rec lobster trap unlimited lobsters whole season

**\$35 extra for divers license holders can not have both good for 30 days
only In Sept 5 lobsters max per day Trial period only for 2 Yrs**

If you were a diver how would you feel what would you say

I hear Habitat destruction

***I hear F&G official concerned divers turning over rocks for lobsters.
that is nonsense***

They feel traps are best I would ask For Who?

***Many of our residents and neighbors can not afford that system
I have been doing summer lobstering for last 6 yrs. Rec and limited commercial***

***COST is a Big problem boat, maintenance, gas, registration, Lobster gear,
bait hauling fees ect. ect. ect.***

***Hampton Marina will get you slip \$3000 or more depending on
boat size if it small enough get a rack plan \$1800
and so on and on***

Why I feel Rec. 5 trap system is more harmful

5 Trap Rec License NH \$35 for the entire season unlimited lobster take

***Pulling in lobster traps dragging and ripping up the bottom destroying
seaweed and kelp beds and everything else that gets in the way
That is destroying the habitat***

***All lobsters Mothers with eggs V-notched and lots of Shorts(too small)
crawl into the trap and will be pulled up to the surface***

There are times I have had as many as 10 lobsters in one trap no keepers

Times when I finally release them I have taken the little fellers

***100 yards or more from where they live. Like a little school kid lost
can't find his way home***

***40 ft drop to the bottom another problem
a hazardous descent for little lobsters Replacing bait for the traps
attracts fish to follow the boat eat the little fellows on the way to the***

bottom

Female lobsters with eggs have a difficult time escaping from rear

compartment. According to Dan Mckiernan Ma F&G enforcement has concerns with the breakaway panels

They become encrusted and do not always break loose like they should
Trap lines are tangled cut caught in props and now we have a loose trap on the bottom

A mother lobster can have 700 to 100,000 eggs

Imagine mother lobsters with all those eggs. Trapped no escape
I ask you. Is that a better way?

Most commercial lobster-men try to stay away from rec folks who throw their traps everywhere and in any way Many tangles
Commercial Lobster-men very systematic Buoys ect
Bigger boats away from shore deeper water
Never have had a problem with these professionals
Rec trap license holders can not sell their lobsters and would not effect the market For Our Commercial Lobster-men

Divers could see, measure and leave the Eggers, The V-Notch and the little ones right where they live

I believe most people are honest and I do not think divers are less trustworthy than the folks with 5 Trap license

I keep hearing that divers could reach in and steal lobsters from a trap
If I were a diver I would ask could a person with 5 Trap Rec license pull up someone Else's traps?

I do not remember seeing a Fish & game boat in the last 4 yrs

So I guess I would say yes to that

I believe our that most of Residents and Neighbors are honest and would not do either

Let us join the divers, the recreational trap folks and the commercial lobster people to work together and help each other ~~and would be more profitable for all~~

TREAT ALL RESIDENTS EQUALLY & FAIRLY

Let us leave Maine to be the only state to say no!

New Hampshire Commercial Fishermen's Association

**P.O Box 601
Rye, NH 03870**

To: Senate Energy and Natural Resource Committee

Date: April 24, 2013

Reference HB 259 – IN OPPOSITION

Dear Mr. Chairman and Committee Members,

This association would like to express its concern an opposition to HB 259 for the following reasons and rational.

ENFORCEMENT – HB 259 in its submitted version does not take into consideration the burden put onto NH Fish & Game officers to enforce this legislation.

- a) In essence it adds a potential responsibility for NH Fish & Game officers to now assume a diving responsibility in enforcing the activities of divers engaged in this new method of taking lobsters. In our opinion this is an impossible task considering the scope of their current duties, manpower, and responsibilities of enforcing NH's marine laws in addition to land based wildlife laws.**
- b) Completely unattended in the submitted legislation is the fact that it would allow two type of permit holders with different possession limits to be aboard a vessel with no accountability for an inspecting NH Fish & Game officer to know how many lobster were taken by the two different license holders.**

EXAMPLE – This legislation would limit a diver to no more than 5 lobsters for only personal consumption. It would allow that diver to be aboard a vessel with a commercial / recreational license which allows unlimited number of lobsters. HOW WOULD AN INSPECTING NH FISH & GAME OFFICER BE ABLE TO LEGALLY DECIFER BETWEEN THE TWO DIFFERENT POSSESION LIMITS ABOARD THAT VESSEL AND CONFIDENTLY KNOW THAT THE DIVER DID NOT TAKE MORE THAN THEIR POSSESSION LIMIT AND MIXED IT IN WITH THE UNLIMITED POSSESION LICENSE HOLDER. THIS PRESENTS A MAJOR UNATTENDED AND UNENFORCABLE CONDITION IN THIS LEGISLATION AND AN ISSUE THAT SHOULD NOT BE IGNORED IN YOUR CONSIDERATIONS.

SAFETY – It is with great concern through experience that this legislation presents the realistic possibility that would allow two different harvesting methods to occur at the same place at the same time. A trap taking license holder could encounter a

diving license holder in the same proximity while hauling their gear a potentially put the diver in jeopardy of injury or more if that diver became entangled in the lobster gear that the fisherman was hauling.

Passing this bill that would allow for this potential danger would be poor precedent for responsible legislation under the terms of safety.

While there are other issues with this bill that are of concern with the testimony received today the above-mentioned items high light important factors that we hope you will consider.

The State of New Hampshire through NH Fish & Game has done an admirable job in managing and allowing NH citizen's access to this resource under the current licensing and harvesting methods. All of these licenses are focused on the use of lobster traps as the consistent and most practicable method of harvesting lobsters in state waters. History has proven well under the current laws and it is hoped that your consideration will maintain and not complicate the success of managing the valuable resource.

**Sincerely,
Erik Anderson
NH Commercial Fishermen's Association**

ocrats within the federal government who know what they're doing and are actually taking a different approach from the way things have always been done. They're even improving government efficiency, hard as that is to b

Admiral Nash and Bob Peck represent two of these forward thinkers, guys who are willing to fight the "go along to get along" mentality so prevalent in big agencies. Each is expanding the use of the design/build method of project delivery within their organizations, a system that has proven effective in the private sector. The result is better buildings, built faster and at lower cost. We need more folks like them.

What we need less of, however, are self-important politicians like Secretary Slater. His prepared remarks, clearly written for him by administration sycophants, were delivered with such choreographed gestures he could have been mistaken for Barney performing before a room of 3-year-olds.

When asked about his endorsement of project labor agreements that eliminate union firms from competing for government projects, later, who has political ambitions, sounded like Ralph Ramden doing his famous "nomina, homina" routine. His guy couldn't give a straight answer if his life depended on it, which makes him a shoo-in for the Senate.

The construction industry economy is solid as a rock and, barring an unforeseen calamity, should remain so for at least the next 18-24 months. Bob Murray displayed statistics demonstrating strength in virtually every segment of the building business. Paul Choquette supported that belief, though he did it, correctly, the need for recruiting and training new workers and that, despite the building boom, contractors have failed to take advantage of raising their profit margins.

Construction has an enormous impact on the economy, that an even I believed. We've unveiled the results of an in-depth study he conducted on the building

Wood
Please turn to Page 2



DIVE MASTER Larry Pilotte has produced and begun to market a video featuring an underwater view of New Hampshire. Paul Snyder/staff photo

Diver markets fish-eye view of Granite State

By PAUL C. SNYDER
Sunday Correspondent

HAMPTON — When you look out across the ocean, you can only see half of what's actually there. Under the surface lies a vastly different, and exciting world that only scuba divers get to explore.

Now you don't have to wear a wetsuit to visit the New Hampshire seacoast underwater. Larry Pilotte, who is one of the few contract premier dive masters in New Hampshire, has developed a 75-minute videotape featuring color slides of what he's seen during his dives.

Pilotte's video, titled "New Hampshire by the Sea," is a collection of his stories and underwater shots taken around the local seacoast, from Hampton Harbor to Nubble Light in York, Maine. It was inspired from encouragement by his nieces and nephews, to whom he'd tell his dive stories to during family gatherings.

It's a diver's-eye-view of the ocean off popular beach spots including Plaice Cove and Great Boar's Head in Hampton, North Hampton State Beach, Jenness and Wallis Sands beaches in Rye, and Fort Foster in Maine.

The slides change from shots above water, which orient viewers to the location, and then move to underwater scenes. The underwater slides include various rock formations, fish and other marine creatures. While the video now has soft music to accompany the photos, Pilotte will later add voice-over descriptions.

Pilotte received his certification as a basic scuba diver in 1974, and was certified as a dive master four years ago. He recently logged his 200th hour underwater, and took his 400th dive in January.

Pilotte, who turns 50 this year, is the oldest dive master working with volunteers from Atlantic Aqua Sport business in restoring the lighthouse keeper's cottage on White Island, in the Isles of Shoals. The cottage will be used for the first time this summer as a cold-water diving school.

As an ocean dive master, Pilotte is responsible to make sure those diving with him are prepared. Many people are nervous and excited, and tend to forget little things that could do them harm if left alone — such as making sure their air is turned on before they dive.

A dive master must tell them what they are diving into — the depths to which they will dive, the currents they may encounter, water temperatures and other factors, Pilotte said.

Though he's dived in lakes throughout northern New England, where he's found relics dating back to pre-Revolutionary War times, Pilotte's first love is the ocean.

"It's always changing," Pilotte said. "Every day, every hour is different."

"New Hampshire By The Sea" is being shown in some Seacoast restaurants, art studios and dive shops from Manchester to the Seacoast. The video sells for \$14.95. For more information, call Larry Pilotte at 929-5093.



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Page updated: Wednesday, September 05, 2001

The Secrets of the St. George Slowly Emerge

By Paul C. Snyder

Correspondent for *Foster's Daily Democrat*

Reprinted with permission from the November 14, 1998 issue

HAMPTON - For more than 200 years, the tides and sand off Plaice Cove kept the secrets of the shipwreck of the mast ship St. George.

On Nov. 30, 1764, the St. George was plying the waves off the Hampton coastline, the cargo loaded with grinding stones, tools and other trade goods needed by colonists living in sparsely settled New England communities. As far as is known from archival records, the ship was not weathering a storm or dealing with heavy seas on that fall day. It should have survived her trip near the New Hampshire coast.

But the weary old ship ran up on the rocks and smashed, all because her Capt. William Branscomb didn't know the local coastal area and didn't have accurate charts that would have warned him away, according to "The History of the Town of Hampton." The St. George, similar in rigging and size to the Australian HM Bark Endeavour, a recent visitor to Portsmouth, had already seen long years of service and was nearing the scrap heap. Due to her deteriorating condition, the ship broke up rapidly after all hands safely made shore.

A colonel of the local militia, a gentleman by the name of Jonathan Moulton, was placed in charge of salvaging her cargo. Since the locals were not thrilled with the policies of the King and since record keeping was sparse, even nonexistent, they simply "helped" themselves to whatever they could lug away. After running his ship ashore, Branscomb settled in Hampton and became the third husband of Prudence Page (nicknamed "Old Pru").

Time, tides and shifting sands took their toll on the battered remains of the St. George.

The ship had its place in history. Since the defeat of the Spanish Armada in 1588 by Sir Frances Drake, England's commercial and political influence were expanding throughout the world. To maintain that momentum, England needed lumber and tall, strong trees with which to make ship masts for its growing fleet of commercial and military vessels.

Through the King's "Broad Arrow Policy," mast agents for London ship builders were sent to North America to mark the tallest and sturdiest white pines with the Crown's mark of the Broad Arrow - three

lines or cuts coming together in the shape of an arrow point. The marked trees were felled, transported to a mast dock at various ports dotting the Seacoast and loaded through "stern ports" in the mast ships, such as the St. George, for transport to England.

These mast ships were the greyhounds of their day and they plied the New England seacoast in the pre-Revolutionary War days loading and transporting the tallest and sturdiest white pines from the northern forests. It was an industry that flourished for 90 years up until the beginning of the Revolution.

But the St. George shipwreck was forgotten until the summer of 1962, when two teen-age Massachusetts skin divers diving near Hampton's old Coast Guard station made what some consider the find of a lifetime.

Walter "Skip" Hird Jr., of Methuen, and David Conrad, of Lawrence, were both 15 years old that summer. Hird's folks had a summer cottage near where the old fishing shacks stood, so Hird and Conrad would often head to Plaice Cove to dive. During a late June dive, the boys made a historic discovery.

"I was swimming along the bottom," Hird remembered recently, "and I bumped into this cannon. "It was the first time that I dove in the area since the winter



Skip Hird and David Conrad and the St. George cannon after their find off Plaice Cove at North Beach

storms, which had changed the beach configuration. Where once there were rocks, there was now sand and the cannon was kind of resting and pointing out of the water towards the Coast Guard station," he recalled.

"The way it was pointed, it looked as if you fired the cannon it would have hit the Coast Guard station." Its barrel weighed about 2,000 pounds and measured 8 feet long. With the help of an uncle who had a barge, the boys managed to inch the cannon onto the beach and move it next to their family's cottage. The teen-age boys kept their discovery of the cannon secret from their families for nearly a month.

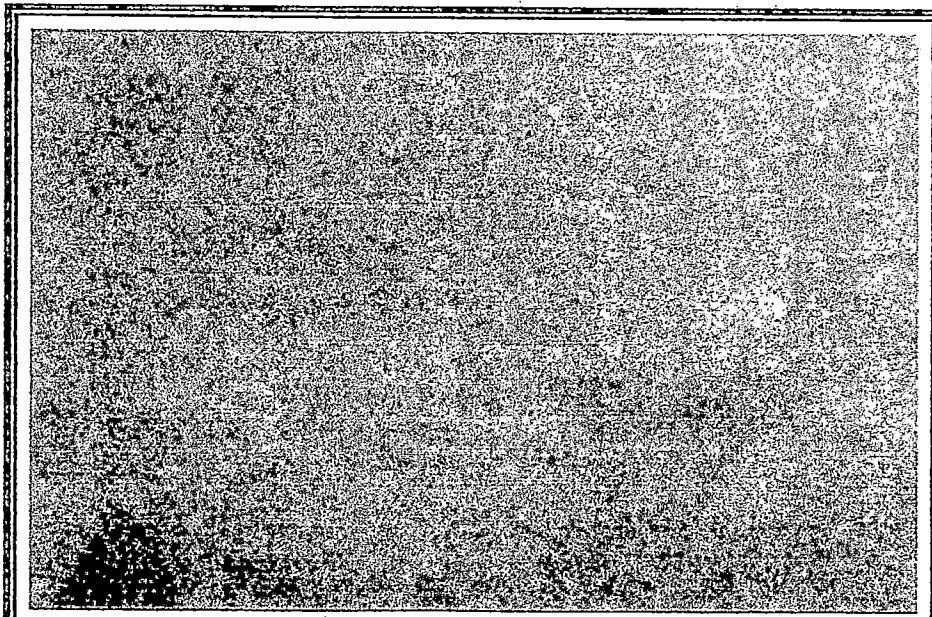
But you can only hide a cannon in plain sight for so long. A few of the locals started asking the boys about the cannon, then told them some of the stories about the St. George. That's when Hird and Conrad

realized what they had. So did a museum in Washington, D.C. After hearing rumors about a cannon discovered from the St. George shipwreck, representatives from the Truxton Decatur Museum came up to Hampton to investigate. They confirmed that the boys had found something special.

The two divers were honored at a ceremony conducted at Fort Warren in Boston when author Edward Rowe Snow, a prominent New England historian, awarded them with the Order of the Purple Lanyard of the Cannon Hunters of America. No one is allowed to belong to the Cannoneers unless they have found cannons or cannon balls as amateur hunters. The cannon, worn smooth after being submerged in ocean water for almost 200 years, now resides in the Truxton Decatur Museum in Washington, D.C.

Over the years, Hird found other relics submerged a few hundred feet from the old station - cannon balls, a deck cannon and scuppers that were traced and identified as likely belonging to the wreck of the St. George. He said he offered them to the Tuck Museum in Hampton, but said museum officials weren't interested.

So, Hird keeps the relics in his Methuen home. "I keep hoping someone from the Tuck Museum will call me. I'll be glad to give them to him," he said.



The St. George anchor lying on the sea bottom

The next major discovery of the St. George wouldn't come until 1992 - 30 years to the month of Hird and Conrad's find. Larry Pilotte, an accomplished contract Ocean Dive Master, was diving in the Plaice Cove area when he and fellow diver David Webb found what Pilotte called "this most beautiful anchor" lying in about 12 feet of water about 150 feet from the site of the old Coast Guard station in Hampton.

Although Pilotte had gone on dives in the area for a dozen or so years, he had never spotted the anchor before. He believed

that currents from a recent nor'easter had shifted the sand enough to reveal this relic.

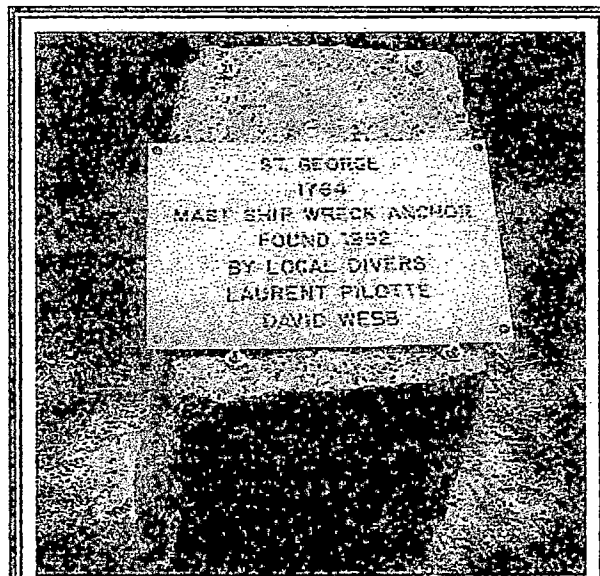
The anchor was made of layered iron, with the stock made of a different metal, Pilotte said - with the rope "still wrapped around the anchor." But the anchor was firmly bonded to the rock it was lying against; only careful, tedious chiseling would free it. Researching the origin of the anchor eventually took Pilotte from Hampton's Lane Memorial Library to the National Maritime Museum in Greenwich, England, and on to the Dockside Museum in Portsmouth, England. His findings left little doubt that the anchor was from the St. George.

Pilotte, after several years of trying to lay a plaque where the anchor rests, managed to

organize a ceremony that also coincided with the 1996 visit of the Los Angeles class nuclear powered attack submarine USS Hampton at Portsmouth Naval Shipyard. On a damp and dreary Saturday, Aug. 3, 1996, Pilotte was joined by several of his good friends: Hampton resident Brett Griffin, a crewman aboard the USS Hampton; David Webb, a fellow diver; James Hartman, Chief Navy Diver aboard the USS Hampton; Commander Christopher Stethos, skipper of the USS Hampton and Hampton Selectman Brian Warburton with divers' help, laid a plaque under the water near where the St. George's anchor rests.



St. George anchor showing its location relative to the plaque

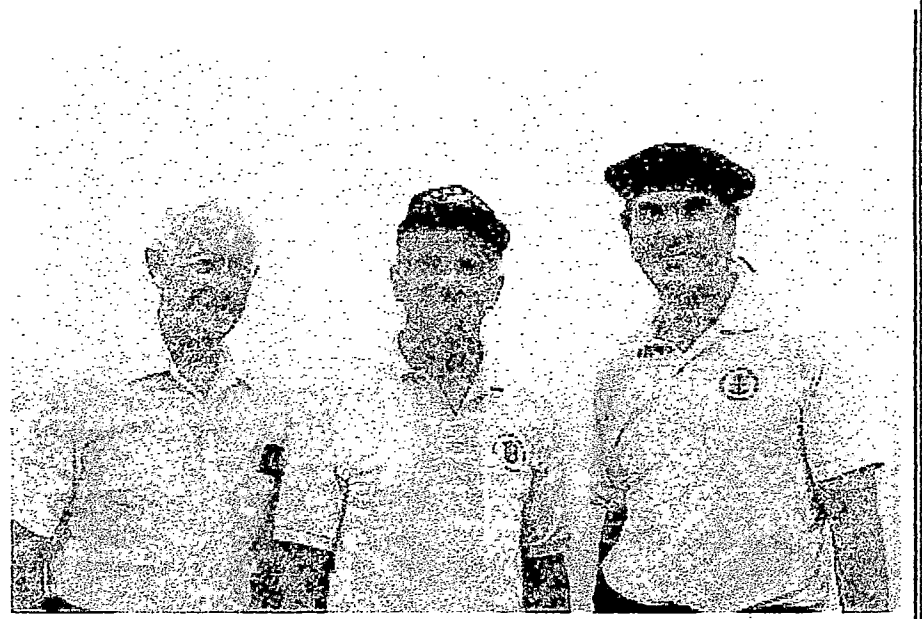


When the plaque was in place, a young lobster crawled onto it, paused, looked up at this strange group of divers as if to say, "What are you guys doing in my home?" Pilotte said.

This fall, through Lane Library Trustee Jerry McConnell, Pilotte was able to contact Hird, one of the "kids" who'd

made their own discovery 30 years earlier.

Hird and Pilotte met for the first time at Plaice Cove on a cloudy morning in mid-September, about a hundred feet from where the St. George met her fate. Both men are now the same age, in their 50s, although their discoveries were made 30 years apart. They immediately laid charts out on top of the North Beach seawall along with copies of documents, photographs and news clippings about their discoveries.



Jerry McConnell, Skip Hird and Larry Pilotte

Sitting together on a picnic bench outside Kennedy's Restaurant at North Beach, the two men seemed like old friends, talking excitedly about their finds. Hird appreciated the plaque marking the spot of the old mast ship. "I feel what Larry did was exceptional to place a plaque next to the anchor in the same area where I had discovered the cannon," he said. Pilotte felt that the reunion and meeting of Hird was something of closure - "an exciting story that's finally coming together." It may be a matter of time, tides and the shifting sands before another piece of the St. George is revealed again.



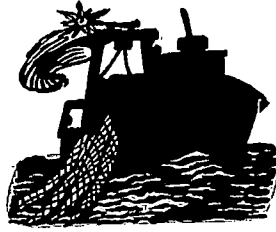
David Webb and Larry Pilotte

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Did you give
the VNF Prof
my # ?

Don't
get

846-1001



January 24, 2013

Glenn Normandeau
Executive Director
NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301

*Observer / Participant
predator*

Dear Glenn:

The Advisory Committee on Marine Fisheries (ACMF) met in January of this year and reviewed several legislative proposals relative to marine resources including Fish and Game Department sponsored legislation for a shrimp license and HB 259 that would permit the take of lobsters via scuba diving.

The Advisory Committee voted to oppose HB 259. The Committee has consistently opposed legislation to allow lobster harvest via scuba diving because of enforcement concerns, the damage this active form of harvest would have on lobsters via the loss of claws and handling of soft shell lobsters, and the negative impact to the underwater coastal habitat.

The ACMF also voted to support legislation developed by the Fish and Game Department which would establish a license to take, possess, land or transport northern shrimp. This legislation would give the Executive Director of the Fish and Game Department the authority to establish the number of these licenses issued as well as eligibility criteria for the license through the rule making process. Recent increases in the number of commercial fishermen who fish for shrimp has resulted in the Atlantic States Marine Fisheries Commission's Northern Shrimp Section to begin development of management action that would limit the number of participants in this fishery in order to reduce the potential for overfishing the shrimp population.

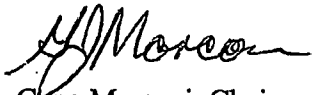
*Shrimp or
Lobster
Be chased
hunted down*

*Commercial
Lobster fisherman*
*Independent
operator*

*few
large
operators*

Currently, New Hampshire is the only state that does not have a specific license to harvest shrimp and without this type of license it would be impossible to limit the number of participants in the shrimp fishery.

Sincerely,

A handwritten signature in cursive script, appearing to read "Geno Marconi".

Geno Marconi, Chairman
Advisory Committee on Marine Fisheries

Cc: Tom Hubert, Chair of Fish and Game Commission
Doug Grout, Chief of Marine Fisheries

Testimony for HB 259 FN

Relative to special licenses for taking lobsters while engaged in recreational scuba.

I think we all agree we would like it if as many as possible NH Citizens could enjoy as many of NH's resources. The resources are "owned" by all of us. Deer guides and hunters don't "own" the deer and neither should commercial lobster fisherman "own" the natural resource. Presumably that is why we offer a NON-Commercial 5 pot license.....to give the public equal access. But its NOT equal access or even close.....

The 5 pot license requires a recipient to:

- A) **OWN A BOAT** with all the added cost of purchase, registration, maintenance, launching, mooring, insurance and inspection.
- B) Having to **live close enough to the water** to visit traps every other day or have a very understanding boss and/or wife.
- C) **Purchase traps, lines and bait.**

IT is a fairly exclusive club that can possibly satisfy those requirements and/or bear that cost. In contrast the diver, who may come from any part of our state, only needs to review the tide charts and the weather and schedule a day to dive. Beyond a \$ 4 cost for compressed air, a \$ 35 license, a dive flag and a hearty wetsuit (cooold temps in September waters) that diver is good to go.

Finally, Fish and Game are concerned with enforcement. There are a number of reasons this makes NO sense:

- Reviewing the tide charts carefully, you will see that it is only possible to dive a maximum of one hour per day (high tide). 24 days out of 31 possible.
- There are limited number of locations to shore dive on our coastline.
- Divers are (99 times out of 100) diving in pairs or groups. Doing ANYTHING unsafe or illegal affects more than just the diver and you are literally endangering everyone.
- Divers are environmentalists and at least as honest as the general public.

- **KEY QUESTION.** The Conservation Officers are currently asked to enforce zero lobsters..... The only difference is that this bill requires them to identify female lobsters with eggs or notched/undersize lobsters and count - to - 5. IS THAT SO DIFFERENT?

Gregory Hill Northfield, NH



Portsmouth Harbor Tides - Sep/2013



43°5'N 70°45'W

DATE	HIGH				LOW				☀		☾
	AM	ft	PM	ft	AM	ft	PM	ft	RISE	SET	MOON
1 Sun	9:27	7.0	9:39 X	7.8	3:12	1.0	3:19	1.3	6:07	7:18	☾
2 Mon	10:13	7.2	10:25 X	8.0	3:58	0.8	4:05	1.1	6:08	7:16	☾
3 Tue	10:55	7.5	11:06 X	8.2	4:39	0.6	4:47	0.8	6:09	7:14	☾
4 Wed	11:32	7.8	11:44 X	8.4	5:16	0.4	5:26	0.6	6:10	7:12	☾
5 Thu			12:07	8.0	5:51	0.2	6:03	0.3	6:11	7:11	☾
6 Fri	12:21 X	8.5	12:41	8.3	6:25	0.1	6:41	0.1	6:12	7:09	☾
7 Sat	12:58 X	8.5	1:17	8.5	7:00	0.0	7:20	-0.0	6:13	7:07	☾
8 Sun	1:37 X	8.5	1:54	8.7	7:37	-0.0	8:02	-0.1	6:14	7:05	☾
9 Mon	2:18 X	8.4	2:36	8.8	8:18	0.0	8:47	-0.2	6:15	7:04	☾
10 Tue	3:04 X	8.2	3:22	8.8	9:03	0.1	9:37	-0.1	6:16	7:02	☾
11 Wed	3:54 X	8.0	4:13	8.8	9:52	0.3	10:32	-0.0	6:18	7:00	☾
12 Thu	4:51 X	7.8	5:11	8.7	10:48	0.5	11:33	0.1	6:19	6:58	☾
13 Fri	5:53 X	7.6	6:14	8.6	11:50	0.6			6:20	6:56	☾
14 Sat	7:01	7.6	7:22 X	8.7	12:39	0.1	12:57	0.6	6:21	6:55	☾
15 Sun	8:08	7.8	8:30 X	8.8	1:46	0.0	2:05	0.4	6:22	6:53	☾
16 Mon	9:12	8.2	9:34 X	9.0	2:51	-0.2	3:10	0.1	6:23	6:51	☾
17 Tue	10:10	8.6	10:32 X	9.2	3:49	-0.5	4:10	-0.3	6:24	6:49	☾
18 Wed	11:03	8.9	11:25 X	9.3	4:43	-0.7	5:05	-0.6	6:25	6:47	☾
19 Thu	11:51	9.2			5:32	-0.8	5:56	-0.8	6:26	6:46	☾
20 Fri	12:15	9.3	12:37	9.3	6:19	-0.7	6:44	-0.8	6:27	6:44	☾
21 Sat	1:03 X	9.1	1:22	9.2	7:04	-0.5	7:31	-0.7	6:28	6:42	☾
22 Sun	1:49 X	8.7	2:05	9.0	7:48	-0.1	8:17	-0.4	6:30	6:40	☾
23 Mon	2:36 X	8.3	2:49	8.7	8:32	0.3	9:04	-0.0	6:31	6:38	☾
24 Tue	3:22 X	7.9	3:35	8.3	9:17	0.7	9:52	0.4	6:32	6:37	☾
25 Wed	4:11 X	7.5	4:23	8.0	10:04	1.1	10:43	0.7	6:33	6:35	☾
26 Thu	5:03 X	7.1	5:15	7.7	10:55	1.4	11:38	1.0	6:34	6:33	☾
27 Fri	5:58 X	6.9	6:11	7.5	11:50	1.6			6:35	6:31	☾
28 Sat	6:56 X	6.8	7:09 X	7.4	12:35	1.2	12:49	1.7	6:36	6:29	☾
29 Sun	7:52	6.9	8:06 X	7.5	1:32	1.2	1:47	1.6	6:37	6:28	☾
30 Mon	8:44	7.1	8:59 X	7.6	2:25	1.1	2:40	1.4	6:39	6:26	☾

Local Time

© US Harbors

Tidal Data Source: Portsmouth (8423745)

X - NO DIVE

RSA 21:18 → Sunset to 1 hr before Sunrise
PROHIBITED

Tides restrict to 1x/day
AND 6 days questionable

Name: John A. Magruder
New Boston

Subject : HB 259-FN- Taking of limited Lobster during recreational scuba diving

To: The Senate Fish and Game and Marine Resources

Points:

1. The ocean and its resources is not exclusively owned by any one group in NH
2. Thusly the resources, with proper oversight, should be available to all citizens of NH
3. Persons who enjoy the sport of scuba diving are generally a group who respect the resources and understand the need to protect them.
4. Most thinking divers understand the need to balance the rights to share in a resource with the needs of persons who take the resource as a means of a living.
5. As a diver, and citizen of New Hampshire, I believe that with personal responsibility divers would be good stewards of the resource in question, and cooperate with State Officials in protecting that resource for the benefit of all citizens of New Hampshire.
6. I feel the logic that opening the ability to take limited lobsters while engaged in recreational scuba diving would "decimate" the lobster fishery, is based on misunderstanding the methods and means of taking the resource.
7. Opening the resource to only New Hampshire residents would in its self regulate the amount of the lobsters taken.
8. The States south of New Hampshire, allow sharing the resource with divers, and it appears there has been no decimation of the resource do to the taking by Scuba diving.
9. Persons from those states are very unlikely to try and come into the New Hampshire waters, as they cannot get licenses, nor would the trip be worth the 5 lobster limit suggested in the bill, nor would having only September to pursue the taking of the lobsters allow an influx of out of state divers. Most recreational divers are limited to weekend pursuit of the sport and there are only 4 weekends in September. As another point, there are plenty of lobsters close to their own homes and the season is longer, the take larger and the water is generally warmer.

It is my hope that the Senate Committee will pass this modest request and allow their fellow citizens the full enjoyment of the resources in our coastal waters.

Safety - now it is an issue



Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: 5.2.13

THE COMMITTEE ON Energy and Natural Resources

to which was referred House Bill 259-FN

AN ACT relative to special licenses for taking lobster while engaged in recreational scuba diving.

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 4-0

Senator Martha Fuller Clark
For the Committee

Chris Cote 271-3067

New Hampshire General Court - Bill Status System

Docket of HB259

Docket Abbreviations

Bill Title: relative to special licenses for taking lobster while engaged in recreational scuba diving.**Official Docket of HB259:**

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Fish and Game and Marine Resources; HJ 12 , PG.189
1/29/2013	H	Public Hearing: 2/7/2013 1:00 PM LOB 305-307
2/12/2013	H	Executive Session: 2/14/2013 1:00 PM LOB 307
2/19/2013	H	Committee Report: Ought to Pass with Amendment #0386h for Mar 6 (Vote 8-6; Part I RC); HC 20 , PG.418
2/19/2013	H	Proposed Committee Amendment # 2013-0386h ; HC 20 , PG.443
3/6/2013	H	Amendment #0386h: AA VV; HJ 24 , PG.673-676
3/6/2013	H	Ought to Pass with Amendment #0386h: MA RC 303-66; HJ 24 , PG.673-676
3/6/2013	H	Referred to Ways and Means; HJ 24 , PG.673-676
3/7/2013	H	Subcommittee Work Session: 3/19/2013 10:00 AM LOB 104
3/7/2013	H	Public Hearing: 3/14/2013 9:00 AM LOB 202
3/7/2013	H	Executive Session: 3/19/2013 2:00 PM LOB 202
3/20/2013	H	Committee Report: Ought to Pass with Amendment #0973h for Mar 27 (Vote 18-0; CC); HC 25 , PG.706
3/20/2013	H	Proposed Committee Amendment # 2013-0973h ; HC 25 , PG.723
3/27/2013	H	Amendment #0973h: AA VV; HJ31 , PG.1024
3/27/2013	H	Ought to Pass with Amendment #0973h: MA VV; HJ31 , PG.1024
3/28/2013	S	Introduced and Referred to Energy & Natural Resources
4/18/2013	S	Hearing: 4/24/13, Room 101, LOB, 10:00 a.m.; SC17
5/10/2013	S	Committee Report: Inexpedient to Legislate, 5/23/13; SC21
5/23/2013	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===;

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

_____ ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

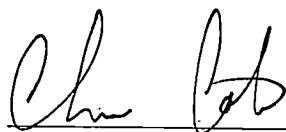
- AMENDMENT # ~~0177700~~ - AMENDMENT # 0386 h
- AMENDMENT # 0973h _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

- AS INTRODUCED AS AMENDED BY THE HOUSE
- FINAL VERSION AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 8.13.13



BY COMMITTEE AIDE