

COVER SHEET FOR FINAL PROPOSAL

Notice Number 2021-22

Rule Number Fis 300 various

1. Agency Name & Address:

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

2. RSA Authority: **RSA 206:10, I; RSA 207:3-d, I; RSA 207:22-c, III(a); RSA 207:56, III; RSA 208:1-a, I, II; RSA 208:1-e; RSA 208:2, I; RSA 208:7-a, I, II; RSA 208:15-b; RSA 208:22, I, III, RSA 209:12-a, I, III; RSA 210:08; RSA 210:8-a, I; RSA 210:23; RSA 210:24-b**

3. Federal Authority: none

4. Type of Action:

- Adopt
- Amendment (only if Initial Proposal was filed before 9/27/20.)
- Repeal
- Readoption
- Readoption w/amendment

5. Short Title: **Wildlife Seasons Biennial Rulemaking**

6. Contact person for copies and questions:

Name:	Paul G. Sanderson	Title:	Legal Coordinator
Address:	11 Hazen Drive Concord, NH 03301	Phone #:	271-1136

7. The rulemaking notice appeared in the Rulemaking Register on **March 4, 2021**

**SEE THE INSTRUCTIONS--PLEASE SUBMIT ONE COPY OF THIS COVER SHEET
AND ONE COPY OF THE FOLLOWING:
(optional to number correspondingly)**

8. The "Final Proposal-Fixed Text," including the cross-reference table required by RSA 541-A:3-a, II as an appendix.
9. Yes N/A Incorporation by Reference Statement(s) because this rule incorporates a document or Internet content by reference for which an Incorporation by Reference Statement is required pursuant to RSA 541-A:12, III.
10. Yes N/A The "Final Proposal-Annotated Text," indicating how the proposed rule was changed because the text of the rule changed from the Initial Proposal pursuant to RSA 541-A:12, II(d).
11. Yes N/A The amended fiscal impact statement because the change to the text of the Initial Proposal affects the original fiscal impact statement (FIS) pursuant to RSA 541-A:5, VI.

Notice Number 2021-22

Rule Number Fis 300 various

<p>1. Agency Name & Address:</p> <p>NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p>	<p>2. RSA Authority: RSA 206:10, I; RSA 207:3-d, I; RSA 207:22-c, III(a); RSA 207:56, III; RSA 208:1-a, I, II; RSA 208:1-e; RSA 208:2, I; RSA 208:7-a, I, II; RSA 208:15-b; RSA 208:22, I, III, RSA 209:12-a, I, III; RSA 210:08; RSA 210:8-a, I; RSA 210:23; RSA 210:24-b</p> <hr/> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption <u>xx</u></p> <p>Readoption w/amendment <u>xx</u></p>
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5. Short Title: **Wildlife Seasons Biennial Rulemaking**

6. (a) Summary of what the rule says and of any proposed amendments:

The Fish and Game Department is proposing to readopt with amendment:

- Fis 301.03 Deer Season to clarify the use of crossbows for taking deer in certain seasons and/or wildlife management units and change the number of days allowed for the taking of any deer in some wildlife management units;**
- Fis 301.04 Deer Registration Reports to change the duties of registration agents;**
- Fis 301.041 Crossbows to insert and clarify minimum requirements for crossbow and archery equipment used for hunting of all game species;**
- Fis 301.06 Bear Season to insert a table of dates for the bear season in all wildlife management units for 2021 and 2022, and remove references to required hunting equipment that has been moved to proposed Fis 301.041;**
- Fis 301.07 Moose Season to clarify restrictions on use of drones and electronic communication, and remove specifications for archery equipment that have been moved to proposed Fis 301.041;**
- Fis 301.09 Moose Lottery to change the table distributing permits between wildlife management units;**
- Fis 301.10 Rabbits and Hares to change the area of closure for cottontail hunting;**
- Fis 302.01 Wild Turkey to amend the section generally, add ability to use .410 and 28 gauge shotguns as a method of take, remove archery equipment specification, and clarify registration procedure;**
- Fis 302.012 Turkey Registration Reports to clarify procedures for electronic filing;**
- Fis 303.04 Fisher to require the submission of the lower jaw of animals taken to the department at the time of fur sealing;**
- Fis 303.06 Coyote to insert as amendments paragraphs (a), (b), (d), and (e) which had expired, and to clarify in (b)(5) the use of crossbow and certain firearms in the take of coyote;**
- Fis 303.11 Sealing of Furbearing Animals to add the requirement to provide the lower jaw of fisher at the time of sealing;**

Fis 304.04 Wildlife Depredation Permits to add bear and turkey as species able to be taken, change reporting to the Wildlife Division in Concord;

Fis 307.01 Baiting for Wildlife to clarify the meaning of an “active bait site”;

Fis 307.02 Baiting for Black Bear to allow hunters to maintain up to 2 bait sites statewide;

Fis 307.04 Wild Turkey to clarify that use of bait is prohibited in all open seasons; and

Fis 307.05 Baiting Wildlife on State-Owned or Managed Lands to clarify that no person shall be granted more than one bait site within an individual trapping unit, and direct applications to the Wildlife Division in Concord rather than Region 1 in Lancaster;

The Fish and Game Department is proposing to readopt with no change the following rules:

Fis 301.02 Wildlife Management Units.

Fis 308.01 Definitions.

Fis 308.06 Reports.

The Fish and Game Department is proposing to readopt with amendment:

Fis 309.01 Chronic Wasting Disease (CWD). The amendments are to insert paragraphs (a) and (c), which expired on June 5, 2018.

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

All New Hampshire resident and non-resident hunters and trappers, all wildlife control operators, and all persons seeking to bring portions of cervidae animals taken in other jurisdictions into the State of New Hampshire

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

Rule	State or Federal Statute the Rule Implements
Fis 301.02	RSA 208:1-a, 208:2, 208:22, 209:12-a
Fis 301.03	RSA 206:10, I; RSA 208:2
Fis 301.04	RSA 206:10, I; RSA 208:15-b
Fis 301.041	RSA 207:10-c
Fis 301.06	RSA 208:7-a, II ; 208:22, I; 208:22, III
Fis 301.07	RSA 208:1-a
Fis 301.09	RSA 208:1-a, I and II
Fis 301.10	RSA 207:56
Fis 302.01	RSA 209:12-a, I
Fis 302.012	RSA 209:12-a, I
Fis 303.04	RSA 206:10, 210:23
Fis 303.06	RSA 206:10, 210:23, RSA 208:1-e
Fis 303.11	RSA 210:08, RSA 210:8-a
Fis 304.04	RSA 206:10; RSA 207:22-c, III
Fis 307.01	RSA 207:3-d, 208:1-e, 208:2
Fis 307.02	RSA 207:3-d; 208:1-e, 208:2
Fis 307.04	RSA 207:3-d, 208:1-e, 208:2
Fis 307.05	RSA 207:3-d, 208:1-e, 208:2
Fis 308.01	RSA 210:24-b
Fis 308.06	RSA 210:24-b
Fis 309.01	RSA 206:10, I

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

Name: **Paul G. Sanderson, Esq.**

Title: **Legal Coordinator**

Address: **11 Hazen Drive**

Phone #: **603-271-1136**

Concord, NH 03301

Fax#: **None**

E-mail: **comments@wildlife.nh.gov**

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

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **April 7, 2021 at 4:00 P.M.**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, March 26, 2021 at 10:00 AM**

Place: **This hearing will be held virtually, via Microsoft Teams using the information below:**

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 603-931-4944,,461870724# United States, Concord

Phone Conference ID: 461 870 724#

[Find a local number](#) | [Reset PIN](#)

ALSO:

Date and Time: **Tuesday, March 30, 2021 at 6:30 PM**

This hearing will be held virtually, via Microsoft Teams using the information below:

Place: **Microsoft Teams meeting**

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 603-931-4944,,920228897# United States, Concord

Phone Conference ID: 920 228 897#

[Find a local number](#) | [Reset PIN](#)

The following email address will be monitored during the meeting. If there are any public access or technical problems during the meeting please contact paul.sanderson@wildlife.nh.gov.

Edit. This will have to be changed to "Readopt with amendment" if changes are made to address JLCAR staff editorial comments to Fis 301.02.

Proposal- Fixed Text 4-29-21
1

Readopt Fis 301.02, eff. 6-5-12 (Doc #10142), to read as follows:

Fis 301.02 Wildlife Management Units.

Substantive comments are on pages 23, 32, and 33.

Edit. Arrange the header with the page number entirely on one line.

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

(1) Wildlife management unit - A1: From Stewartstown Beecher Falls Bridge in Stewartstown east to Rte. 3 then north on Rte. 3 to the Canadian border then following the Canadian/US border west and south to the VT/NH border, Connecticut River and continuing south to the Stewartstown Beecher Falls Bridge;

(2) Wildlife management unit – A2: From the Stewartstown/Beecher Falls Bridge in Stewartstown east to Rte. 3 in Stewartstown then north on Rte. 3 to the Canadian/US border northeast to the ME/NH border then following this south to Rte. 16 in Wentworth's Location, south on Rte. 16 to Rte. 26 in Errol, west on Rte. 26 in Errol to Colebrook, west on Lemington Rd. to the Colebrook-Lemington Bridge, then north along the NH/VT state line to the Stewartstown/Beecher Falls Bridge;

(3) Wildlife management unit - B: From the junction of the Connecticut River and the Upper Ammonoosuc River in Northumberland, north along the NH/VT state line to the Colebrook/Lemington bridge in Colebrook, east on Lemington Rd. to Rte. 3 in Colebrook, south on Rte. 3 to Rte. 26 in Colebrook, east on Rte. 26 to Rte. 16 in Errol, south on Rte. 16 to Rte. 110-A in Dummer, west on 110-A to Rte. 110 in West Milan, west on Rte. 110 to Rte. 3 in Groveton, north on Rte. 3 in Groveton to the Upper Ammonoosuc Bridge, west along the Upper Ammonoosuc River to its junction with the Connecticut River;

(4) Wildlife management unit – C1: From the junction of the Lost Nation Rd. in Northumberland and Rte. 110, east on Rte. 110 to Rte. 16 in Berlin, south on Rte. 16 to Rte. 2 in Gorham, west on Rte. 2 to North Rd. in Jefferson, north along North Rd. to Grange Rd., north on Grange Rd. to Lost Nation Rd., north on Lost Nation Rd. to the junction of Lost Nation Rd. and Rte. 110 in Northumberland;

(5) Wildlife management unit – C2: From the junction of Rte. 16 in Wentworth's Location and the ME/NH line, south on Rte. 16 to Rte. 110-A in Dummer, west on 110-A to Rte. 110 in Milan, south on 110 to Rte. 16 in Berlin, south on Rte. 16 to Rte. 2 in Gorham, east on Rte. 2 to the NH/ME state line, north on the NH/ME state line to its junction with Rte. 16 in Wentworth's Location;

(6) Wildlife management unit – D1: From the junction of the Lost Nation Rd. in Northumberland and Rte. 110, south along Lost Nation Rd. to Grange Rd., south on Grange Rd. to North Rd., south on North Rd. to Rte. 2 in Jefferson, east on Rte. 2 to Rte. 115 in Jefferson, south on Rte. 115 to Rte. 3 in Carroll, south on Rte. 3 to I-93 in Franconia, north on I-93 to the NH/VT state line, north on the NH/VT state line, to the junction of the Connecticut and Upper Ammonoosuc River in Northumberland, east along the Upper Ammonoosuc River to the Groveton/Rte. 3 bridge, south along Rte. 3 in Groveton, east on Rte. 110 to the junction of Rte. 110 and the Lost Nation Rd;

(7) Wildlife management unit – D2-west: From the junction of Rte. I-93 and the Vermont border in Littleton, south on I-93 to Rte. 142 in Franconia, south on Rte. 142 to Rte. 18, west on Rte. 18 to Rte. 116, south on Rte 116 to Rte. 112 and Rte. 116, west on Rte 116 to Long Pond Rd. (i.e. North/South Rd.) in Benton, south on Long Pond Rd. to High St. in Glencliff, south on High St. to Rte 25, south on Rte. 25 to Rte. 25-A in Wentworth, west on Rte. 25-A to Rte. 10 in

Orford, north on Rte. 10 to Rte. 25-A, west on Rte. 25-A to the VT/NH border, north on the VT/NH border to its intersection with Rte. I-93 in Littleton;

(8) Wildlife management unit – D2-east: From the junction of Rte. I-93 and Rte. 142 in Franconia, south on Rte. I-93 to Rte. 112 in Woodstock, south west on Rte. 112 to Rte. 118 in Woodstock, south west on Rte. 118 to Rte. 25 in Warren, north on Rte. 25 to High St., north on High St. to Long Pond Rd. (i.e. North/South Rd), north on Long Pond Rd. to Rte 116 in Benton, north on Rte. 116 to Rte. 18 in Franconia, east on Rte. 18 to Rte. 142, north on Rte. 142 to the intersection with Rte. I-93;

Edit. “, also known as North/South Rd.,”

(9) Wildlife management unit – E1: From the junction of Rte. 2 and Rte. 115 in Jefferson east on Rte. 2 to Rte. 16 in Gorham, south on Rte. 16 to Rte. 302 in Glen, north on Rte. 302 to Rte. 3 in Twin Mountain, north on Rte. 3 to Rte. 115 in Carroll, north on Rte. 115 to its junction with Rte. 2 in Jefferson;

(10) Wildlife management unit – E2: From the junction of Rte. 2 and Rte. 16 in Gorham, south on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the NH/ME state line, then north along the state line to its junction with Rte. 2;

(11) Wildlife management unit – E3: From the junction of Rte. 302 and Rte. 3 in Twin Mountain, south on Rte. 3 to I-93, south on I-93 to Rte. 112 in Lincoln, east on Rte. 112 to Rte. 16 in Conway, north on Rte. 16 to Rte. 302 in Glen, north on Rte. 302 to its junction with Rte. 3 in Twin Mountain;

Edit. semi-colon

(12) Wildlife management unit - F: From the junction of Rte. 25-A and Rte. 25 in Wentworth, north on Rte. 25 to Rte. 118 in Warren, north on Rte. 118 to Rte. 112 in Woodstock, east on Rte. 112 to Rte. 16 in Conway, south on Rte. 16 to Rte. 113 in Chocorua, west on Rte. 113 to Rte. 113-A in Tamworth, west on Rte. 113-A in Tamworth to Rte. 113 in Sandwich, west on Rte. 113 to Rte. 3 in Holderness, west on Rte. 3 to Exit 24 of I-93 in Ashland, north on I-93 to Rte. 25, exit 26 in Plymouth, west on Rte. 25 to the junction with Rte. 25-A;

(13) Wildlife management unit – G1: From the junction of Rte. 25-A and the VT/NH border in Orford, east on Rte. 25-A to Rte. 10 in Orford, south on Rte. 10 to Rte. 25-A in Orford, east on Rte. 25-A to Rte. 25 in Wentworth, southeast on Rte. 25 to Rte. 118 in Rumney, south on Rte. 118 to Rte. 4 in Canaan, south and east on Rte 4 to Rte. 11 in Andover, west on Rte. 11 to Rte. I-89 in New London, west on Rte. I-89 to the VT/NH border, north on the VT/NH border to its intersection with Rte. 25-A in Orford;

(14) Wildlife management unit – G2: From the junction of Rte. 118 and Rte. 25 in Rumney, southeast on Rte. 25 to Exit 26 of Rte. I-93 in Plymouth, south on Rte. I-93 to Rte. 104 in New Hampton, west on Rte. 104 to Rte. 4 in Danbury, north on Rte. 4 to Rte. 118 in Canaan, north on Rte. 118 to Rte. 25 in Rumney;

(15) Wildlife Management Unit – H1: From the junction of I-89 and the NH/VT state line in Lebanon, south on I-89 to Rte. 10 in Grantham, south on Rte. 10 to Rte. 123 in Marlow, west on Rte. 123 to its junction with the Cold River in Walpole, west on Cold River to the NH/VT border, Connecticut River, north on the NH/VT border to I-89 in Lebanon;

(16) Wildlife management unit – H2-north: From the junction of Cold River and NH/VT border Connecticut River, in Walpole, east on Cold River to Rte. 123, east on Rte. 123 to Rte. 9 in Stoddard, east on Rte. 9 to Rte. 202 in Hillsborough, south on Rte. 202 to Rte. 101 in

Peterborough, west on Rte. 101 to Rte. 9 in Keene, west on Rte. 9 to the VT/NH border, north to the Cold River;

(17) Wildlife management unit – H2-south: From the junction of Rte. 9 and the NH/VT border, east on Rte. 9 to Rte. 101 in Keene, east on Rte. 101 to Rte 202 in Peterborough, south on Rte. 202 to the NH/MA border, west on the NH/MA border to the NH/VT border (Connecticut River), north on the NH/VT border, Connecticut River to its intersection with Rte. 9;

(18) Wildlife management unit – I1: From the junction of I-89 and Rte. 11 in New London, north on Rte. 11 to Rte. 4 in Andover, north on Rte. 4 to Rte. 104 in Danbury, north on Rte. 104 to I-93 in New Hampton, south on I-93 to I-89 in Concord, north on I-89 to Rte. 11 in New London;

(19) Wildlife management unit – I2: From the junction of I-89 and Rte. 10 in Grantham, south on I-89 to Rte. 9 in Hopkinton, south on Rte. 9 to Rte. 123 in Stoddard, west on Rte. 123 to Rte. 10 in Marlow, north on Rte. 10 to I-89 in Grantham;

(20) Wildlife management unit – J1: From the junction of Rte. 113 and Rte. 3 in Holderness, north on Rte. 113 to Rte. 113-A in Sandwich, north on Rte. 113-A to Rte. 113 in Tamworth, east on Rte. 113 to Rte. 16 in Chocorua, north on Rte. 16 to Rte. 302 in Conway, east on Rte. 302 to the ME/NH line, south on ME/NH line to Rte. 109, west on Rte. 109 to Rte. 28 in Wolfeboro Center, south on Rte. 28/109 to Rte. 109 in Wolfeboro, north on Rte. 109 to Rte. 25 in Moultonboro, west on Rte. 25 to Rte. 25B in Center Harbor, along Rte. 25B to Rte. 3, north on Rte. 3 to its junction with Rte. 113 in Holderness;

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

(22) Wildlife Management Unit - K: From the junction of Rte. 9 and Rte. 202 in Hillsborough, south on Rte. 202 to the NH/MA state line, east on the NH/MA state line to Rte. 13 in Brookline, north on Rte. 13 to Rte. 101 in Milford, north on Rte. 101 to I-293 in Manchester, north on I-293 to I-93, north on I-93 to I-89 in Concord, west on I-89 to Rte. 9 in Hopkinton, south on Rte. 9 to its junction with Rte. 202 in Hillsborough;

(23) Wildlife management unit - L: From the junction of I-93 and I-393 in Concord, east on I-393 to Rte. 4, east on Rte. 4 to Rte. 202 in Northwood, north on Rte. 202 to NH/ME state line, south along the NH/ME state line to Little Bay, south along the Rockingham/Stafford County line in Little and Great Bay to the Squamscott River, south along the Squamscott River to Rte. 101, west along Rte. 101 to I-93 in Manchester, south on I-93 to I-293, north on I-293 to I-93 to I-393 in Concord; and

(24) Wildlife Management Unit - M: From the junction of Rte. 13 in Brookline and the NH/MA border, north on Rte. 13 to Rte. 101 in Milford, north on Rte. 101 to Rte. I-293 in Manchester, east on I-293 to I-93, north on I-93 to Rte. 101 in Manchester, east on Rte. 101 to its junction with the Squamscott River in Exeter, north along the Squamscott River to Great Bay, north along the Strafford/Rockingham County line in Great and Little Bay to the NH/ME

state line, east along the NH/ME state line to the Atlantic Ocean, south along the NH coast line to the NH/MA line, west along the NH/MA state line to its junction with Rte. 13 in Brookline.

(b) Whenever a wildlife management unit is referenced with only a letter, and that WMU has been divided into subwildlife management units with number, that reference shall include all of the area enclosed by those subunits. For example, WMU-J shall include WMU's J1 and J2.

(c) Whenever a subwildlife management unit is referenced with a letter and number and that WMU has been further divided into smaller units, that reference shall include all of the area enclosed by those units. For example, WMU-H2 shall include H2-north and H2-south.

Readopt with amendment Fis 301.03, eff. 7-25-18 (Doc #12591), to read as follows:

Fis 301.03 Deer Season.

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

(b) Wild deer shall be taken only from 1/2 hour before sunrise to 1/2 hour after sunset during the open seasons for taking deer.

(c) No deer shall be taken at any time on any island or in any waters in lakes or ponds, except as specified in Fis 301.031(c) or Fis 301.032.

(d) No person shall take a second deer until the first deer has been registered except as provided in Fis 301.031(c) and Fis 301.032.

(e) A person holding an archery license as described in RSA 208:5, II, may take deer with bow and arrow in all of the wildlife management units and Bear Brook Refuge, subject to the following:

(1) The open season for taking of any deer with bow and arrow in wildlife management units B through M shall be from September 15 to December 15;

(2) The open season for taking any deer with bow and arrow in wildlife management unit A shall be September 15 to December 8;

(3) No deer shall be taken with a crossbow under this license, provided that:

a. A licensee of any age with a permanent physical disability who holds a permit issued pursuant to RSA 207:10-c and Fis 1101.08, shall be allowed to take deer with a crossbow during the archery season, muzzleloader season, or the regular firearms season, and shall use the archery deer tag or regular firearm deer tag as appropriate;

b. A licensee who is 68 years of age or older shall be allowed to take deer with a crossbow during the archery season, muzzleloader season and regular firearms season, and shall use the archery deer tag or regular firearm deer tag as appropriate; ~~or~~

c. A licensee of any age shall be allowed to take deer with a crossbow during the muzzleloader or regular firearms season, or as specified in Fis 301.032, and shall use the regular firearm deer tag;

d. An archery licensee of any age shall be allowed to take deer with a crossbow during the archery season in WMU L or WMU M; or

Edit. Delete.

e. A person under 16 years of age who is participating in the deer youth weekend in accordance with Fis 1204.02 shall be allowed to take deer with a crossbow.

← Edit. “; and”

(4) The licensee shall retain the head and hide for 48 hours from the time of registration.

(f) A person holding a muzzleloader license pursuant to RSA 214 and RSA 208:5-a may take deer with a muzzleloading firearm or crossbow, during the 11 days immediately prior to the regular firearms season as follows:

(1) No other firearm shall be used for the taking of deer during this license period;

(2) A muzzleloading firearms shall be a single barrel, single shot firearm of no less than .40 caliber;

(3) Wildlife management units A, B, C1, C2, D1, D2E, E and F shall be open only to the taking of antlered deer;

(4) Wildlife management units G2, I1 and I2 shall be open to the taking of any deer during the first day of the season and to the taking of antlered deer only during the remaining 10 days;

(5) Wildlife management unit J1 shall be open to the taking of any deer during the first 2 days of the season and to the taking of antlered deer only during the remaining 9 days;

(6) Wildlife management units H1, H2, and K shall be open to the taking of any deer during the first 3 days of the season and to the taking of antlered deer only during the remaining 8 days;

Edit. Delete.

(7) Wildlife management unit D2W, shall be open to the taking of any deer during the first 4 days of the season and to the taking of antlered deer only during the remaining 7 days; and

(8) Wildlife management unit G1 shall be open to the taking of any deer during the first 5 days of the season and to the taking of antlered deer only during the remaining 6 days; and

(9) Wildlife management units L and M shall be open to the taking of any deer during all 11 days of the season.

(g) The season for taking deer by all legal methods shall begin on the second Wednesday in November, and be open for a period of 26 consecutive days in wildlife management units B through M, and 19 consecutive days in wildlife management unit A, upon the following conditions:

(1) Wildlife management units A, B, C1, C2, D1 and D2-East shall be open only to the taking of antlered deer;

(2) Wildlife management units E, F, G2, I1, and I2 shall be open to the taking of any deer during the first day of the season and to the taking of antlered deer only during the remaining 18 days in wildlife management unit A and the remaining 25 days in wildlife management units E, F, G2, I1, and I2;

(3) Wildlife management unit J1 shall be open to the taking of any deer during the first 2 days of the season and to the taking of antlered deer only during the remaining 24 days of the season;

(4) Wildlife management units H1, H2, J2, and K shall be open to the taking of any deer during the first 3 days of the season and to the taking of antlered deer only during the remaining 23 days of the season;

(5) Wildlife management unit D2-West shall be open to the taking of any deer during the first 4 days of the season and to the taking of antlered deer only during the remaining 22 days of the season;

(6) Wildlife management unit G1 shall be open to the taking of any deer during the first 5 days of the season and to the taking of antlered deer only during the remaining 21 days of the season; and

(7) Wildlife management units L and M shall be open to the taking of any deer during the first 10 days of the season and to the taking of antlered deer only during the remaining 16 days of the season.

(h) No person shall take more than one deer in a calendar year, except as provided in RSA 208:5, RSA 208:5-b, Fis 301.03(e), Fis 301.031, Fis 301.032, and Fis 301.034.

(i) No shell shot, other than those using shot sizes of 00 buckshot or larger, shall be used for the taking of deer.

(j) Immediately upon killing a deer, the licensee shall complete and attach the appropriate "Deer Tag" to the deer, containing the following information:

- (1) The licensee's name and address;
- (2) The date and time of kill;
- (3) The wildlife management unit in which the kill occurred; and
- (4) The licensee's signature.

(k) If requested by the department, any person taking a deer shall take fish and game personnel back to the kill site, the site of carcass evisceration, or both, for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.

(l) If requested by the department, any person taking a deer shall allow fish and game personnel or their designated agents at biological check stations to collect biological information on their deer including but not limited to sex, antler beam diameter, number of antler points, weight, estimated age, and lactation status.

(m) Nothing in this section shall prohibit a licensed hunter who has used his or her archery or firearm deer tag from accompanying a licensed apprentice hunter or an unlicensed minor under the age of 16, while the apprentice hunter or minor is taking deer.

(n) No person shall take a deer with the aid and use of bait, except in accordance with RSA 207:3-d, Fis 307.01, and Fis 307.03.

Readopt with amendment Fis 301.04, eff. 6-2-14 (Doc #10619), to read as follows:Fis 301.04 Deer Registration Reports.

(a) All persons reporting a deer kill to a deer registration station under RSA 208:15-d shall provide information to the registering agent to complete the "Deer or Turkey Registration Report" form.

← Edit. "the following"

← Edit. colon

(1) The shooter's name, street and mailing address, telephone number, residency and date of birth;

← Edit. comma

(2) Town of kill;

(3) Date of kill;

(4) Time of kill;

(5) Sex of deer killed;

(6) An indication as to whether the deer is a fawn or adult;

(7) Weapon type used;

(8) Wildlife management unit of kill;

(9) Antler length;

(10) An indication as to whether or not the deer was taken with the aid and use of bait;

(11) An indication as to whether a deer taken with the aid and use of bait was taken with a baiting permit as specified in Fis 307.01(c) and Fis 307.01(d) or by a landowner on their own land;

(12) The type of tag affixed to the deer;

(13) The following license information:

a. Hunting license type(s) and license number(s) held by licensee and under which the deer was taken;

b. Permit types(s) and permit number(s) held by licensee and under which the deer was taken;

c. Date and time the license was issued; and

d. Sex of the hunter; ← Edit. "and"

(14) The registration number of the vehicle transporting the deer.

(b) The registration agent shall complete all items on the form: ← Edit. ", including:"

(1) The date and time of deer registration;

(2) The seal number attached to the deer; and

(3) The registration station number.

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

(d) The registering agent shall:

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

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

Readopt with amendment Fis 301.041, eff 7-25-18 (Doc #12591), to read as follows:

Fis 301.041 Minimum Requirements for Crossbow and Archery Equipment Used for Hunting.

(a) Unless authorized by permit pursuant to RSA 207:10-c, a crossbow that is used for the purpose of a take shall have a:

Edit. Delete the "a" and begin (a)(1) with "A minimum" .

(1) Minimum pull of 125 pounds;

(2) At least one working mechanical safety;

(3) A total length of no less than 25 inches; and

(4) Consist of a rigid stock that permits only a single horizontally mounted bow with transverse limbs, a single string to be fully drawn, loaded with one bolt, maintained indefinitely in a firing position, and mechanically released. No crossbow fitted with two or more bows, limbs, or strings, or which permit two or more bolts to be released without recocking shall be permitted for the purpose of a take.

Edit. "2"

Edit. To grammatically follow the intro in (a), delete "Consist of" and say "A rigid stock..."

(b) Unless authorized by permit pursuant to RSA 207:7-a, a traditional straight, recurve, or compound bow used for the purpose of a take shall:

(1) Have a minimum peak weight pull at 28 inches or less draw length of:

a. 40 pounds, if used to hunt deer or bear;

b. 50 pounds, if used to hunt moose; or

c. 30 pounds, if used to hunt turkey.

Edit. semi-colon

Edit. Suggestion for greater clarity: "At 28 inches or less draw length, have a minimum peak weight pull of:"

Edit. Avoid starting a rule with a number, if possible. If not, write out the number.

(2) Be drawn or released only by hand, or with a hand-held release; and

(3) Contain no manufactured or accessory device secured to or supported by the bow for the purpose of maintaining the bow at full draw in a firing position.

(c) No person shall use an arrow, bolt, or quarrel tip other than a broadhead for the purpose of a take, that fails to meet the following minimum criteria:

- (1) Fixed blade broadheads shall not be less than 7/8 of an inch or more than 1 1/2 inches wide;
- (2) Retractable blade broadheads may be smaller than 7/8 of an inch wide in flight, but shall not be less than 7/8 of an inch wide when open;
- (3) There shall be no upper size limit on retractable blade broadheads; and
- (4) The hunter's name and address shall be plainly and legibly printed on each arrow, bolt or quarrel.

← Edit. comma

Readopt with amendments Fis 301.06, eff. 6-3-16 (Doc#11114), as amended eff. 7-25-18 (Doc #12591), to read as follows:

Fis 301.06 Bear Season.

(a) Wild black bear shall be taken only in the places and during the times set forth in Table 300.1 below by means of:

- (1) Firearms of a size larger than .22 caliber rimfire;
- (2) Crossbow or bow and arrow meeting the minimum requirements of Fis 301.041;
- (3) A shotgun loaded with a single ball; or
- (4) Muzzleloaders not less than .40 caliber.

(b) Except as provided in RSA 207:7-a, bear shall not be taken by a bow, crossbow, or firearm while the person is in or on a motorized vehicle.

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

(d) No person shall take a bear with the aid and use of bait except as provided by, and in accordance with, RSA 207:3-d, Fis 307.01, Fis 307.02 and Table 300.1 below.

(e) Dogs may be used for taking bear only in the places and during the times set forth in Table 300.1 below:

← Edit. Underline the table number too.

Table 300.1

Open Season Dates for the Taking of Wild Black Bear in 2021 and 2022

Wildlife Management Unit	Without Aid of Bait or Dogs	With Aid of Bait	With Aid of Dogs
A	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
B	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2021	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
C1	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022

C2	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
D1	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
D2	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2022 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
E	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
F	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
G	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
H1	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
H2	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	None
I1	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
I2	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2020 to 9/28/2021 9/01/2022 to 9/28/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
J1	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/20/2021 to 11/09/2021 9/19/2022 to 11/08/2022
J2	9/01/2021 to 11/30/2021 9/01/2022 to 11/30/2022	9/01/2021 to 10/05/2021 9/01/2022 to 10/05/2022	9/22/2021 to 11/09/2021 9/19/2022 to 11/08/2022
K	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	None
L	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	None
M	9/01/2021 to 11/09/2021 9/01/2022 to 11/08/2022	9/01/2021 to 9/28/2021 9/01/2022 to 9/28/2022	None

(f) In accordance with RSA 208:22, III, dogs shall not be run from bait for the purpose of taking bear after September 20, 2021 or September 19, 2022.

(g) Wild black bear may be taken by the aid and use of not more than 6 dogs, after obtaining a permit pursuant to Fis 1102.12.

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

(i) In addition to the requirements in RSA 207:3-e, no person shall use telemetry equipment to track or locate bear dogs within 300 feet of a building occupied as a person's principal place of abode.

(j) Licensed guides may guide for taking bear during the open season as specified in Fis 301.06(c), Fis 301.06(d), and Fis 301.06(e). The person licensed for guiding shall prior to guiding obtain from the department a permit to guide bear hunters. There shall be a limit of 50 permits per season to guide for taking bear as specified in Fis 1102.06.

(k) Each licensed guide who has been issued a permit to take a bear as described in Fis 1102.06 shall be issued 6 bear guide tags described in Fis 1102.07 subject to the following:

- (1) All bear taken by hunters through the assistance of a licensed guide shall be tagged with both the hunter's bear tag and a bear guide tag from the guide who assisted the hunter;
 - (2) Section A of the bear guide tag shall be signed by the hunter and securely affixed to the carcass of the bear immediately upon killing the bear;
 - (3) Section A of the bear guide tag shall remain attached to the bear carcass or parts thereof until such time as the bear has been tagged by a New Hampshire conservation officer or fish and game personnel authorized by the director as required in Fis 301.06(t);
 - (4) Section B of the bear guide tag shall be completely filled out and retained by the guide for his or her records; and
 - (5) Bear guide tags shall be used to tag only those bears taken by clients of the guide to whom the tags were issued and shall be non-transferable between guides.
- (l) Immediately upon killing a bear, the licensee shall fill in the appropriate bear tag, sign the tag, and attach the tag to the bear.
- (m) The bear tag shall contain the following:
- (1) The licensee's name and street address;
 - (2) The date and time of kill; and
 - (3) The wildlife management unit in which the kill occurred.
- (n) Any person who kills wild bear pursuant to this section shall, within 12 hours from the time of taking, notify a conservation officer and, within 24 hours, exhibit the whole bear or the following body parts of a bear for tagging with a numbered seal by a New Hampshire conservation officer or fish and game personnel:
- (1) Entire carcass, skinned or quartered, excluding viscera;
 - (2) Legs and feet;
 - (3) Intact skull;
 - (4) Hide; and
 - (5) Sex organs, including teats from females so that a positive sex determination can be made.
- (o) At the time of tagging, the conservation officer or fish and game personnel shall remove a tooth from such bear and record other information as specified in Fis 301.05.
- (p) If requested, any person who kills a wild black bear shall be required to take fish and game personnel back to the kill site, the site of carcass evisceration, or both for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.
- (q) No person shall take more than one wild black bear in a calendar year.
- (r) No person shall take bear by trapping or snaring.

(s) No person shall possess the carcass or any part of the carcass of a wild black bear without the bear tag or registration seal attached to it or by special permission of the executive director or the executive director's agent.

(t) Notwithstanding Fis 301.06(y), no person shall possess a bear or any parts of the carcass of a bear given to the person by another unless each piece or package given to such person is clearly marked or labeled with the date of its receipt and the name and address of the donor.

(u) Nothing in this section shall prohibit a licensed hunter who has used his or her archery or firearm bear tag from accompanying a licensed apprentice hunter or an unlicensed minor under the age of 16, while the apprentice hunter or minor is taking bear.

Readopt with amendments Fis 301.07, eff 7-25-18 (Doc #12591), to read as follows:

Fis 301.07 Moose Season.

(a) "Antlered moose" means a moose which has at least one antler 6 inches long measured from the tip of the main beam along the distal edge of the antler to the base of the antler burr at the skull.

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

(c) The moose season shall be 9 consecutive days and shall open on the third Saturday in October.

(d) No moose shall be taken with the aid and use of dogs.

(e) No moose shall be taken with the aid and use of bait.

(f) No person other than the permittee and subpermittee shall participate in a joint hunt to take moose except that the permittee may employ one licensed guide. The licensed guide may direct, aid, assist, or instruct the permittee and subpermittee but shall not shoot a moose.

(g) No person shall use an unmanned aerial vehicle as defined in Fis 312, or a person in any other aircraft to locate moose or communicate the location of moose to a permittee, subpermittee, or licensed guide between September 1 and December 31 of any year, or during the open moose season.

(h) No person shall use radio telemetry equipment, electronic calls, cell phones, radio transceivers, pagers, or other communication devices to collect and thereafter provide information to a permittee, subpermittee, or licensed guide for the purpose of attracting or taking moose after September 1 of any year or during the open moose season.

(i) No moose shall be taken within 300 feet of a class I, II, III, IV, or V highway, as classified pursuant to RSA 229:5. For purposes of this section both the hunter and the moose shall be not less than 300 feet from a class I, II, III, IV, or V highway.

(j) No moose shall be taken with rimfire firearms or with shotguns using shot loads including buckshot. In towns restricted to weapon types pursuant to RSA 207:3-b, 208:3, 208:3-a, 208:3-b, and 208:3-c, only shotguns loaded with a single ball, muzzle-loading rifle, pistols as specified in RSA 208:3-d, crossbow or bow and arrow shall be permitted for the taking of moose, except pistols shall not be used in the town of Bow pursuant to RSA 207:3-b.

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

(l) Notwithstanding (f) above, a permittee taking moose under the provisions of RSA 208:1-aa may use additional guides to assist in carrying out such hunt as necessary for the safe and successful completion of the hunt.

(m) Only one moose shall be taken per permittee and subpermittee combination.

(n) Moose may be taken in the water.

(o) The permittee or the subpermittee may shoot the moose, but it shall be the responsibility of the permittee to tag the moose immediately upon killing, remove the moose, and transport it to the biological check station as required by Fis 301.08.

(p) The “Moose Tag” shall contain the following:

- (1) The shooter’s signature;
- (2) The date and time of kill;
- (3) Town of kill;
- (4) Specific location of kill; and
- (5) The assigned wildlife management unit.

Edit. “moose tag”
(See (t) below.)

(q) The permittee shall remain with the moose during transportation to the biological check station. If the moose is shot by the subpermittee, both the permittee and subpermittee shall go to the check station to check the moose.

(r) The permittee and subpermittee shall only hunt in the wildlife management unit to which they are assigned by the department.

(s) The subpermittee shall always be accompanied by the permittee while hunting moose. All subpermittees shall be within sight and hearing, excluding electronic devices, when actual physical direction and control can be effected pursuant to RSA 207:1, XXX. All subpermittees under the age of 16 shall be accompanied by a permittee 18 years of age or older.

(t) The moose tag shall remain with the moose at all times until the moose is sealed at the biological check station, pursuant to RSA 208:9.

(u) Once the moose has been sealed as provided in Fis 301.08(h), a moose may be transported during the open season, and for 10 days after provided the registration seal remains firmly affixed to the moose at all times.

(v) The permittee, subpermittee, or both if requested, shall return with or without fish and game department personnel to the kill site, the site of evisceration, or both for purposes such as, but not limited to, verification of kill site or to obtain ovaries or other biological samples left behind.

(w) Each permittee or subpermittee shall carry a moose permit and each permittee and subpermittee 16 years of age or older shall carry a hunting license at all times when hunting for moose and registering the moose at the check station.

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

Readopt with amendment Fis 301.09, eff. 6-3-16 (Doc #11114), as amended eff. 5-25-17 (Doc #12189), and as amended eff. 7-25-18 (Doc #12591), to read as follows:

Fis 301.09 Moose Season Lottery.

(a) Application for the moose season lottery shall be made on an application described in Fis 1102.08.

Edit. comma

(b) The applicant shall be at least 16 years of age by the application deadline.

(c) A non-refundable fee of \$15 for residents or \$25 for nonresidents, payable to New Hampshire fish and game department by cash, check or money order, shall accompany each application.

(d) Only one application per person shall be entered in the lottery and applications shall be non-transferable. Any person who provides an incorrect state of residency on an application shall be disqualified from the lottery process and shall not be eligible to receive a permit. State of residency for purposes of the moose lottery application process shall be the person's state of residence, pursuant to RSA 207:1, XXIII, at the deadline date for moose lottery applications. Proof of NH residency shall be the applicant's valid NH driver's license or NH non-driver's id card number issued by the NH department of safety, division of motor vehicles prior to the application deadline.

Edit. comma

(e) Illegible applications and incomplete applications shall be returned and not considered. Corrected applications may be resubmitted.

(f) No late entries shall be accepted.

(g) Bonus points shall be accrued in accordance with RSA 208:1-a, II-a.

(h) No person shall accrue more than one point in a given year's lottery.

(i) A person's accrued points shall be lost if:

(1) The applicant fails to provide an eligible application for a given year's lottery;

(2) The applicant fails to provide notification of a driver's license number or non-driver identification number change as specified in (w);

(3) The successful applicant has paid the permit fee and does not return the permit by October 1 as specified in (t); or

(4) The applicant provides an incorrect state of residency as described in Fis 301.09(d).

(j) All applications shall be:

(1) Turned in to the department headquarters by 4:00 p.m. on the last Friday in May;

(2) Postmarked no later than midnight on the last Friday in May; or

(3) Submitted on-line as long as the transaction was started prior to midnight eastern daylight time on the last Friday in May.

(k) Applications shall be assigned a number on a first come first served basis when received at the department headquarters. Self-addressed and stamped receipts shall be returned as notification that the application has been received.

(l) The lottery drawing shall be:

(1) Held after the season dates have been adopted by rules; and

(2) Conducted in the following manner:

a. Selection of winning numbers shall be done by computer selection of random numbers;

b. A total of 40 application numbers shall be drawn;

c. A total of 500 additional numbers shall be drawn as alternates;

d. The 40 moose permits shall be allocated as specified in Table 300.01 below:

Edit. "02"

Table 300.02 Moose Permit Allocation Table

<u>Wildlife Management Unit</u>	<u>No. of Permits For Either Sex Moose</u>	<u>No. of Permits Restricted To Antlerless Moose Only</u>
A1	2	0
A2	8	0
B	5	0
C1	3	0
C2	6	0
D1	4	0
D2	2	0
E1	1	0
E2	1	0
E3	1	0
F	2	0
G	0	0
H1	0	0
H2-north	0	0
H2-south	0	0
I1	0	0
I2	0	0
J1	0	0
J2	0	0
K	0	0
L	3	0
M	2	0

e. Based on the order of computer selection, applicants shall be assigned a permit as follows:

1. Applicants shall be assigned a permit for either sex moose in a wildlife management unit indicated on their application;

2. If all permits for either sex moose in those wildlife management units are filled, applicants shall:

(i) Be assigned to a permit for an antlerless moose provided their application indicates they are willing to hunt antlerless moose in one of the wildlife management units having these permits available; and

(ii) Not be assigned a permit if their application indicates they are not willing to hunt antlerless moose; and

3. Once all of the initially drawn applicants have been considered for permits:

(i) Alternates shall be used to fill the remaining permits; and

(ii) Successful applicants drawn for a permit shall be notified by mail within 10 working days; and

f. The percentage of nonresident numbers drawn shall not be greater than the percentage of nonresident hunting licenses sold during the previous calendar year, and nonresidents shall be randomly distributed throughout the wildlife management units.

(m) Alternates shall be chosen if a permittee chooses not to participate in the hunt and advises the department, in writing, of this decision. Alternates shall be selected in the order in which they were originally drawn in the lottery. Chosen alternates shall then be permittees. Alternates shall be assigned to the wildlife management unit which was assigned to the original permittee. These new permittees shall be notified by mail within 7 days after being selected.

(n) The permit fee shall be paid in full at fish and game headquarters in Concord no later than the last working day in July. Late payments received via U.S. mail shall be accepted provided they were postmarked no later than midnight on the third Friday of July. Alternates shall be chosen for applicants failing to pay the fee by the prescribed date. Alternates selected shall then pay within 14 days after being notified.

(o) The permittee shall submit the information specified in (p) below on the permittee and the subpermittee, if a subpermittee is designated, to the fish and game department so that it shall be received at fish and game headquarters in Concord by the last working day in July. Late information received via US mail shall be accepted provided they are postmarked not later than midnight on the third Friday in July. If an alternate is chosen as a permittee, designation of subpermittee and accompanying information shall be submitted with the payment.

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

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

(2) The subpermittee's:

a. Complete name and mailing address;

b. Date of birth; and

c. Telephone number; and

(3) A signed statement from the permittee and the subpermittee that neither has paid or bartered anything for the privilege of being designated as a subpermittee and that they each

have read and understand the current moose hunting rules signed subject to the penalties for making unsworn false statements under RSA 641:3.

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

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

(s) The deadline for the permittee to change the subpermittee shall be 8 days prior to the start of the moose season.

(t) Once the fee for a moose permit has been paid, the permittee shall lose all accumulated points and not be eligible to submit an application for the next 3 application periods, unless the permittee returns the permit prior to October 1 so that an alternate may be notified to participate in the moose hunt.

(u) No permittee shall sell or barter the subpermittee portion of their permit.

(v) No person shall possess more than one moose permit as a permittee.

(w) If a person's driver's license number or non-driver identification number changes, the applicant shall notify the department on the application. If the department is not able to match the identity of the applicant with its records, the applicant shall provide their name, address, date of birth, their old identification number and new identification number.

(x) The executive director shall waive restrictions in the moose lottery process to delay the issuance of a moose permit for one year after being drawn due to a life-threatening illness or accident of the permittee or the permittee's active duty military service, any of which prevents the permittee from participating in the moose hunt.

(y) In order for the permit to be deferred, the permittee shall:

(1) Not have participated in any portion of the current year's moose hunt; and

(2) Provide the following:

a. A request from the permittee to defer the permit which includes a brief explanation as to the deferment request signed subject to the penalties for making unsworn statements under RSA 641:3; and

b. Either:

1. A statement from a physician stating that due to the permittee's medical condition the permittee is physically not able to participate in the current year's moose hunt, signed subject to the penalties for making unsworn false statements under RSA 641:3; or

2. In the case of active military service, federal documentation which shows that the permittee will be on active duty during the current year's moose hunt.

(z) The permittee shall notify department headquarters no later than 4pm on the day before the hunt begins of said intent to defer the current year's permit.

(aa) The information referenced in Fis 301.09(y) and the permit shall be received at department headquarters no later than the second Friday of November.

(ab) The executive director shall authorize permits, in addition to the permits in Fis 301.09(1)(2)d., if the director determines that a department error resulted in the rejection of an eligible application for a permit, provided the issuance will have no significant impact on the moose population and the application would have otherwise been successful based on its random number.

Readopt with amendment Fis 301.10, eff 7-25-18 (Doc #12591), to read as follows:

Fis 301.10 Rabbits and Hares.

← Edit. Underline.

(a) Snowshoe hares shall only be taken as follows:

(1) The open season shall be October 1 to March 31.

← Edit. “; and”

(2) The daily bag limit shall be as follows:

a. In WMUs A through G, and J1 the daily bag limit shall be 3 snowshoe hares;
and

b. In WMUs H1, H2, I1, I2 J2, K, L and M the daily bag limit shall be 2
snowshoe hares;

(b) Cottontail rabbits shall only be taken in WMUs H2, K, L and M, except for the closed areas specified in (c), as follows:

(1) The open season shall be October 1 to January 31;

(2) The open season for falconry shall be October 1 to March 15; and

(3) The daily bag limit shall be 2 cottontail rabbits.

(c) The following areas shall be closed to the taking of cottontail rabbits:

(1) The portion of WMUs K, M and L bound by Route 28 from the Massachusetts border in Salem, north to, Route 101 in Manchester, Route 101 west to I 93 in Manchester, I 93 north to I 293 in Hooksett, I 293 south to Granite Street in Manchester, Granite Street south to South Main Street in Manchester, South Main Street south to Route 114A in Manchester, Route 114A north to Route 114 in Goffstown, Route 114 north to Route 13 in Goffstown, Route 13 south to the Massachusetts border in Brookline; and

(2) The portion of WMU L bound by Route 202/11 west from the Maine border in Rochester, to Route 16, Route 16 south to Route 125, Route 125 south to Route 101, Route 101 east to the Squamscott River, north along the Squamscott River, north along shoreline of Great and Little Bay estuary to the Piscataqua River, and northwest along the Maine border to Route 202/11 at the Maine border.

(d) No person shall take hare or rabbits by the use of a snare.

Readopt with amendment Fis 302.01, eff 7-25-18 (Doc #12591), to read as follows:Fis 302.01 Wild Turkey.

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

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

(c) The spring turkey season shall be May 1 through May 31.

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

(1) The archery season shall be September 15 to December 15, provided that in WMU A the closure date shall be December 8; and

(2) In wildlife management units D2, G, H1, H2, I1, I2, J1, J2, K, L, and M, the shotgun season shall be 7 consecutive days in length beginning 5 days immediately preceding the moose season as specified in Fis 301.07(c).

(e) Shooting hours shall be as follows:

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

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

(f) Persons licensed to take turkeys shall be entitled to take no more than 2 turkeys per year as follows:

(1) One bearded or male turkey may be taken in the spring season described in (c) and one turkey of either sex may be taken during the fall archery season or during the fall shotgun season described in (d); or

(2) Two bearded or male turkeys may be taken in the spring season described in (c), provided that:

a. No person shall take a second turkey until the first turkey has been legally registered; and

b. One turkey may be taken statewide, the other turkey shall only be taken in wildlife management units H1, H2, J2, K, L, or M.

(g) Nothing in this section shall prohibit a properly licensed turkey hunter who has taken a turkey from assisting another properly licensed turkey hunter by calling only. The person assisting by calling shall not possess a firearm, bow and arrow, or crossbow that could lawfully be used for the purpose of a take.

(h) The lawful methods of take shall consist of:

(1) Shotguns, with the following shot and loads:

a. Between 10 and 20 gauge inclusively, with shot size of #4 and smaller, in hunting rather than target loads; or

Edit. Delete.

b. 28 gauge and .410, with shot sizes #7 through #9, a minimum shot density of 18 grams per cubic centimeter (G/CC), and a minimum barrel length of 18 inches; and

Edit. Delete extra space.

(2) Bow and arrow or crossbow in accordance with Fis 301.041.

Edit. semi-colon

(3) No person shall use live decoys, electronic calling devices, baiting, cooperative drives, or dogs during the spring turkey season;

(4) No person shall use live decoys, electronic calling devices, baiting, or cooperative drives during the fall archery season and fall shotgun season; and

(5) No person shall shoot at or take a turkey while the turkey is in a tree, regardless of the method of take.

(i) The licensed hunter taking the turkey shall register and report the kill as follows:

(1) Immediately upon killing a turkey, the licensed hunter shall:

a. Detach the turkey tag from his or her license;

b. Fill out the tag with the name and address of the licensee who killed the turkey, the date and time of kill, and WMU where the turkey was killed;

c. Securely attach the tag to the leg of the turkey; and

d. Keep the carcass fully feathered and intact, except that the carcass may be eviscerated before completing the registration process.

(2) No person shall attach a turkey tag to a turkey that person did not kill;

(3) No person shall possess a turkey tag that was not issued to that person;

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

Edit. semi-colon

(5) Any turkey taken during the special youth hunting days for turkey in accordance with Fis 1204.03(a) or during any other turkey season shall be registered within 24 hours of taking in accordance with one of the following methods:

a. Completion of a turkey registration report and receipt of a seal on the bird at a department approved registration station in accordance with Fis 302.012; or

b. Completion of all required fields in an online registration report using the link available at www.wild.nh.com, and receipt of an electronic confirmation that the report was completed and accepted by the department.

(6) Each registrant shall maintain proof of completion of the registration process for a minimum of 180 days in the form of:

a. The physical seal placed on the bird at a department registration station; or

b. An electronic or printed copy of the computer screen that acknowledges the filing of the registration survey in the online registration tool described in (a) (2) above. ←

Edit. “; and”

(7) If requested, the carcass of the turkey shall be exhibited to a conservation officer for examination to determine the method of kill.

Readopt with amendment Fis 302.012, eff. 6-3-16 (Doc #11114), to read as follows:

Fis 302.012 Turkey Registration Reports.

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

(1) The shooter's:

- a. Name;
- b. Street and mailing address;
- c. Telephone number;
- d. Sex;
- e. Residency; and
- f. Date of birth;

(2) Town of kill

(3) Date of kill;

(4) Time of kill;

(5) The following information about the turkey:

- a. Sex;
- b. Weight;
- c. Length of beard to the nearest $\frac{1}{4}$ inch;
- d. Length of left and right spurs;
- e. Age, by indicating whether the turkey is adult or immature; and
- f. Description of any abnormality, injury, off coloration, leg band, or wing streamer on turkey;

(6) Weapon type used;

- (7) Wildlife management unit of kill;
 - (8) The following license information:
 - a. Hunting license type(s) and license number(s) held by licensee; and
 - b. Permit type(s) and permit number(s) held by licensee and under which the turkey was taken; and
 - (9) The registration number of the vehicle transporting the turkey.
- (b) The registration agent shall include the following:
- (1) The date and time of turkey registration;
 - (2) The date and time of turkey license purchase;
 - (3) The seal number attached to the turkey, if not registered electronically; and
 - (4) The registration station number.
- (c) The hunter shall sign the paper report subject to the penalties for making unsworn false statements under RSA 641:3.
- (d) The registering agent shall:
- (1) Securely affix the seal to the turkey if not registered electronically, or provide hunter with turkey confirmation number if registered electronically; and
 - (2) Sign the paper report, or file the electronic report subject to the penalties for making unsworn false statements under RSA 641:3.

Readopt with amendment Fis 303.04, eff 7-25-18 (Doc #12591), to read as follows:

Fis 303.04 Fisher.

- (a) The open season for taking fisher by traps shall be December 1 through December 31.
- (b) The open season for taking fisher by firearms, crossbow, or bow and arrow shall be December 1 through January 31.
- (c) The statewide season bag limit shall be a total of 2 fisher regardless of the method of take.
- (d) The lower jaw of a fisher harvested by any legal means shall be provided to fish and game personnel at the time of sealing in accordance with Fis 303.11.

Readopt with amendment Fis 303.06, previously eff. 6-5-10 (Doc #9720-A), as amended eff. 3-1-11 (Doc #9880-A), and as amended eff. 6-2-14 (Doc #10619), and expired 6-5-18 in paragraphs (b), (d), and (e), and expired 3-1-19 in paragraph (a), so that Fis 303.06 reads as follows:

Fis 303.06 Coyote.

Note to JLCAR. The Committee may have questions about the application and enforcement of the expired rules contrary to RSA 541-A:22, I.

(a) Coyote may be taken by use of firearm, crossbow, or bow and arrow year round ½ hour before sunrise to ½ hour after sunset.

(b) Coyote may be taken by hunting at night in accordance with RSA 208:1-e and as follows:

(1) The open season shall be from January 1 through March 31;

(2) Artificial lights, except lights from a motor vehicle or OHRV or snowmobile, may be used to illuminate coyotes;

(3) Electronic calling devices may be used;

Edit. hyphen

(4) No person shall bait coyote on ice covered public waters; and

(5) In towns restricted to weapon types pursuant to RSA 208:3, 208:3-b, and 208:3-c, only pistols permitted under RSA 208:3-d, .17 and .22 caliber rimfire rifles, shotguns, muzzleloading rifles, crossbow or bow and arrow shall be permitted for the taking of coyote at night.

Edit. comma

(c) Any person hunting coyote at night shall obtain a written landowner permit described in Fis 1102.11 for the property on which he or she takes or attempts to take coyote or when hunting coyote over bait, a permit described in Fis 1102.04 or Fis 307.05.

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

(1) October 15 through March 31 in WMUs A, B, C, D, E and F; and

(2) November 1 through March 31 in WMUs G, H, I, J, K, L and M.

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

Readopt with amendments Fis 303.11, eff 7-25-18 (Doc #12591), to read as follows:

Fis 303.11 Sealing of Furbearing Animals.

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

(b) Upon sealing any otter or fisher in accordance with RSA 210:8, the trapper or hunter shall complete and submit the "Fur Sealing Record" form to a conservation officer or the wildlife division at 11 Hazen Drive, Concord, NH 03301.

(1) Name and address;

(2) Date of birth;

(3) Trapping or hunting license number;

(4) Telephone number;

Edit. Addresses should be shown as on an envelope.

Unclear. There is no introductory language for (1)-(7).

- (5) Method of take;
- (6) The number of each animal taken and sealed for each town animals were taken in; and
- (7) Date and signature subject to the penalties for making unsworn false statements under RSA 641:3.

(c) The lower jaw of a fisher harvested by any legal means shall be provided to fish and game personnel at the time of sealing.

Readopt with amendments Fis 304.04, eff 6-3-16 (Doc# 11114), to read as follows:

Fis 304.04 Wildlife Depredation Permits.

(a) In accordance with RSA 207:26, a commercial grower whose crops are being damaged by wildlife may submit an "Application for a Wildlife Depredation Permit", using the form specified in Fis 304.05 to the executive director.

Edit. comma

(b) Applications for wildlife depredation permits shall be submitted by regular mail, fax or hand delivery to the:

Edit. comma

New Hampshire Fish and Game Department
Animal Damage Control, Wildlife Division
11 Hazen Drive
Concord, New Hampshire 03301

(c) Commercial growers with a history of wildlife damage may apply for, receive, and employ wildlife depredation permits prior to actual and substantial damage, as specified on their permit. "History of wildlife damage" means that previous wildlife depredation permits have been issued.

(d) The granting of the wildlife depredation permit shall be contingent upon a site review by the fish and game department animal damage control specialist if necessary to confirm actual and substantial damage. "Substantial damage" means damage to at least 10% of plants.

(e) Depredation permits shall not be issued if the fish and game department will supply non-lethal methods such as, but not limited to, repellents, pyrotechnics and fencing that will prevent damage.

Edit. comma

Edit. comma

(f) The species, number and sex of wildlife taken under this permit shall be determined by the executive director based on the cause, extent, and type of damage.

(g) The dates seasonally, and the times daily when wildlife may be taken under this permit shall be determined by the executive director based on the type of crop being damaged, and safety considerations associated with shooting at night.

(h) The commercial grower shall sign the "Wildlife Depredation Tag" and the Wildlife Depredation Report Card" upon issuance to the agent and the agent shall sign the tag and report card immediately upon taking wildlife.

(i) Wildlife shall only be taken in the actual area where damage is occurring and within 100 feet outside that area.

(j) A person upon killing wildlife under wildlife depredation permit shall immediately fill out, sign and attach the wildlife depredation tag to the carcass. Once tagged, the carcass may be legally transported.

Edit. comma

(k) A person upon killing wildlife under a wildlife depredation permit shall immediately sign and complete the wildlife depredation report card using the form specified in Fis 304.05.

(l) Within 24 hours of a kill, the commercial grower shall mail a completed wildlife depredation report card to the:

New Hampshire Fish and Game Department
Animal Damage Control, Wildlife Division
11 Hazen Drive
Concord, NH 03301

(m) A person upon killing an animal under a depredation kill permit shall call fish and game headquarters at 603-271-3361 between 8:00 AM and 4:30 PM no later than the first business day immediately following the date of kill and provide fish and game with their name, the time and town of the kill, and the name of the depredation permit holder.

Edit. comma

(n) A person attempting to take an animal under a depredation permit shall have on their person a copy of the permit letter sent to the commercial grower on whose land they are attempting to kill an animal.

(o) Deer, bear, or turkey taken under wildlife depredation permits shall be allocated as follows:

- (1) One deer, bear, or turkey each to successful agent(s);
- (2) One deer, bear, or turkey to the commercial grower; and
- (3) All additional deer, bear, or turkey shall be given to a person in need of food assistance or to a charitable institution such as a food bank or disposed of if inedible.

(p) Wildlife, other than deer, bear or turkey, shall be disposed of, if inedible, or given to a person in need of food assistance or to a charitable institution such as a food bank.

(q) The commercial grower shall mail all unused wildlife depredation tags and reports to the NH Fish and Game Department, Animal Damage Control, Wildlife Division, 11 Hazen Drive, Concord, NH 03301 within 14 days of the expiration date listed on the permit.

Readopt with amendment Fis 307.01, eff. 6-3-16 (Doc # 11114), as amended eff. 7-25-18 (Doc #12591), to read as follows:

Fis 307.01 Baiting for Wildlife.

Edit. Addresses should be shown as on an envelope.

(a) In addition to the requirements specified in RSA 207:3-d, a person engaged in the act of baiting furbearing animals or game animals with the exception of gray squirrel shall be in compliance with Fis 307.

(b) No person shall engage in the act of baiting furbearing animals or game animals with the exception of gray squirrel from April 15 to August 31.

(c) Pursuant to RSA 207:3-d II, “no person shall engage in the act of baiting on the property of another unless he has secured from the owner or occupant of the property upon which the bait is to be deposited a permit in writing signed by the owner or occupant” and complied with the other requirements specified in RSA 207:3-d.

(d) The permit to be used for baiting on the property of another shall be a “Permit to Bait Wildlife” form provided by the department as described in Fis 1102.04, and signed by the owner or occupant in (c).

(e) Permit applications to bait wildlife on lands other than state owned or managed lands shall not be considered unless received by the department or are postmarked on or before the first Monday in August if baiting for bear, or received by the department or are postmarked on or before the first Monday in October for all other species, except:

(1) Applicants may apply beginning December 1 for permits to bait coyote for the year following; and

(2) Permits to bait bear shall be issued by the executive director or his designated agents after the application deadlines as necessary to assist in addressing nuisance bear issues.

(f) Two copies of the completed and signed permit to bait on lands other than state owned or managed lands shall be submitted in hand or by mail to the N. H. Fish and Game Department, Wildlife Division, 11 Hazen Drive, Concord, NH 03301 and shall include a topographic map or copy thereof showing the specific location of said bait site.

(g) The permittee shall also distribute copies of the completed and signed permit as follows:

(1) One copy shall be retained by the permittee; and

(2) One copy shall be left with the landowner.

Edit. Addresses should be shown as on an envelope.

(h) No bait shall be placed unless the permit with map have been submitted to the Wildlife Division or until 3 days have elapsed after the date of postmark if mailed.

Edit. No caps.

(i) A person with a current hunting license shall be allowed a maximum of 2 active bait sites for private use and a licensed N.H. hunting guide shall in addition be allowed a maximum of 6 active bait sites for commercial use.

(j) No person other than the permittee listed on a permit to bait wildlife shall place bait or add any material to bait previously placed, under said permit.

(k) All permits to bait wildlife shall expire no later than December 31 following the date of issuance unless an earlier date has been specified on the permit form except as provided by (e)(1).

(l) A permit to bait wildlife shall be valid for a single permittee only and shall have only that permittee’s name entered on the permit.

(m) A person placing bait shall post a sign bearing his or her name and address at each bait site, in a clearly visible manner not higher than 6 feet off the ground, on an identification sign made of durable material at least 3 inches by 6 inches in size.

(n) The sign specified in (m) above may bear the names of not more than 2 other persons permitted to take furbearing animals or game animals by aid and use of bait.

(o) No identification sign placed in compliance with this section shall be altered by the substitution or changing of the names listed thereon.

(p) No person other than the permittee authorized to place bait at a site shall remove, alter, or destroy any identification sign posted in compliance with (m) above.

(q) A licensed hunting guide authorized under the provisions of Fis 1106.03 and Fis 1300 shall not be required to post the names of paying clients attempting to take coyote, furbearing animals or game animals over lawful commercial baits placed by him.

Edit. comma

(r) No person shall place bait in public waters or on ice covered public waters.

(s) No person, except licensed hunting guides in accordance with (q) above, shall take furbearing animals or game animals by the aid or use of bait unless they are identified on the sign identified in (m) and (n).

Edit. Just say "shall accompany."

(t) Upon the request of any conservation officer, a permittee or an applicant to bait shall be required to accompany the conservation officer to the proposed or existing bait site for purposes such as, but not limited to, determining the actual location of the bait site and compliance with the provisions of RSA 207:3-d and Fis 307.

Edit. Delete.

(u) The refusal of a permittee or an applicant to comply with the provisions of paragraph (s) shall be grounds for the denial of the application, if pending, and/or the revocation of the permit if previously issued.

(v) A baited area as defined in RSA 207:1, II-b shall be considered an active bait site until any and all bait material is completely removed from the site.

(w) From the close of the season to take bear with the aid and use of bait as specified in Fis 307.02 through December 15, baiting for coyote shall be restricted to the use of meat, animal parts, carrion, or fish.

Readopt with amendments Fis 307.02, eff 7-25-18 (Doc #12591), to read as follows:

Fis 307.02 Baiting for Black Bear.

(a) In addition to the requirements of RSA 207:3-d and Fis 307.01 relative to the use of bait, black bear may be taken by the aid and use of bait subject to the following:

- (1) WMUs H1, H2, I2, K, L, and M shall open September 1 and close September 21;
- (2) WMUs A, B, C2, D1, G, I1, J1, and J2, shall open on September 1 and close September 28;
- (3) WMUs C1, D2, E, and F shall open on September 1 and close October 5;
- (4) No person shall place bait for the purpose of attracting and taking bear at more than 2 bait sites.

Edit. "; and"

(5) A licensed N.H. hunting guide authorized to guide bear hunters under the provisions of Fis 301.06 (j) shall be allowed a maximum of 2 active bait sites for private use and a maximum of 6 bait sites for commercial use subject to the following:

- a. Any bear taken off a commercial bait site permitted to a licensed N.H. hunting guide shall be tagged with a bear guide tag issued to the guide permitted to use that site; and
- b. Bear guide tags shall not be used to tag bear taken at bait sites permitted for private use.

(b) For the 2016 black bear baiting season and for all subsequent black bear baiting seasons, no person shall establish, tend, or hunt over a bait containing chocolate or any cocoa derivative, except as provided in (c), below.

(c) White chocolate may be used as bait.

Readopt with amendment Fis 307.04, eff. 6-2-14 (Doc #10619), to read as follows:

Fis 307.04 Wild Turkey. No person shall use the aid of bait to take wild turkeys in any open season.

Readopt with amendment Fis 307.05, eff. 7-25-18 (Doc# 12591), to read as follows:

Fis 307.05 Baiting Wildlife on State-Owned or Managed Lands.

(a) A person may bait wildlife in accordance with RSA 207:3-d, Fis 307.01, Fis 307.02, and Fis 307.03 on lands assigned to or managed by the department, including:

- (1) Property of the fish and game department;
- (2) Property of the department of natural and cultural resources, division of state parks and division of state forests;
- (3) Property of the department of transportation;
- (4) Property of the department of environmental services, division of water;
- (5) Federal property such as the White Mountain National Forest (WMNF); and
- (6) Private property for which the fish and game department has authorization to issue permits to bait wildlife only after obtaining permission in writing to do so from the fish and game department.

Edit. "the applicant obtains"

(b) The maximum number of active bait sites for private and commercial use on state owned and managed lands and other lands combined shall be as described in Fis 307.01(h), except:

- (1) No person shall engage in the act of baiting furbearing or game animals, with the exception of gray squirrel, at more than 2 bait sites on state owned or managed lands within any individual WMU;

(2) Licensed New Hampshire hunting guides may be allowed up to 3 active bait sites for commercial use on state owned or managed lands within any individual WMU; and

(3) No person, to include licensed New Hampshire hunting guides, shall have more than one active bait site ~~for commercial use~~ within an individual trapping unit as described in Fis 303.13(c).

Edit. Do not show deleted text in the fixed text of the final proposal.

(c) Each year baiting permits shall be awarded on state owned or state managed lands for which the department has authority to award such permits on a first come-first serve basis by postmark or hand delivered, except for the Connecticut Lakes Headwaters Forest (CLHF), as provided by Fis 307.05(k).

(d) Applicants for a baiting permit on state owned and managed lands shall make application on a "Permit to Bait Wildlife" form provided by the department as described in Fis 1102.04.

(e) Permit applications to bait furbearing animals or game animals, with the exception of gray squirrel, on state owned and managed lands shall be accepted at any time, except:

(1) Applicants may apply beginning December 1 for permits to bait coyote for the year following to be effective from January 1 to December 31 of the year following;

(2) Permit applications for baiting bear and deer shall not be considered unless received by the department or are postmarked between the first Monday in June and the first Monday in August; and

(3) Permits to bait bear shall be issued by the executive director or his designated agents after the application deadlines in (e)(2) as necessary to assist in addressing nuisance bear issues, to be effective on the date of issuance for the period set forth in the permit, not to exceed 60 days.

(f) Applicants for award of baiting permits on state owned or managed lands shall submit one copy of the application to the N.H. Fish and Game Department, Law Enforcement Division, 11 Hazen Drive, Concord, NH 03301 and shall include a topographic map or copy thereof showing the specific location of said bait site.

Edit. Addresses should be shown as on an envelope.

(g) Permits awarded to bait wildlife on state owned or managed lands shall become effective on the first day of legal baiting of the year of issuance of the permit and shall be valid for the baiting season in that calendar year except as provided by (e)(1) and (e)(3) above.

(h) In addition to the rules specified in Fis 307.01, the following rules for baiting wildlife on state owned or managed lands shall apply:

(1) Non-edible or non-digestible materials shall not be used as bait;

(2) Containers used to hold bait such as barrels, plastic bags, pails, and boxes and any bait material shall be removed from the property by the end of the open season for taking the species by the use of bait or upon expiration of the permit, whichever occurs first;

(3) No person shall erect, build, or use a tree stand or observation blind that damages or destroys a tree by inserting into the tree any metallic, ceramic, or other object used as part of a

ladder or observation deck nor shall any person cut any tree in connection with any of the activities regulated under this section;

(4) All temporary blinds, platforms, or other structures shall be removed from the property when the permit expires;

(5) No baits shall be placed within 300 feet of a dwelling, roadway, pathway, trail, or designated campsites; and

(6) Permittees shall comply with Fis 307.01(m).

(i) Failure to comply with these rules shall, after notice and opportunity for a hearing in accordance with Fis 200, result in permit revocation and no issuance of a permit for one year. Persons subject to permit revocation may appeal said revocation by requesting, in writing to the executive director, a hearing in accordance with Fis 200.

(j) A permit to bait wildlife on state owned or managed lands shall be valid for a single permittee only and shall have only that permittee's name entered on the permit.

(k) Beginning in 2017 and in subsequent years, up to 50 permits to bait bear and up to 20 permits to bait other species on the Connecticut Lakes Headwaters Forest (CLHF) shall be awarded by lottery as follows:

(1) Baiting permits on the CLHF shall be issued on the basis of 11 CLHF trapping units described in Fis 303.13;

(2) A maximum of 7 bait sites, with no more than 5 bear bait sites and 2 bait sites for all other species shall be permitted on any one trapping unit in the CLHF;

(3) No person shall be permitted more than one bait site on the CLHF in a calendar year except a licensed N.H. hunting guide may be permitted up to 3 bait sites on the CLHF but shall not have more than one bait site per trapping unit in a calendar year;

(4) Applicants for the CLHF baiting permit lottery shall complete the "Lottery Application to Bait Wildlife on the Connecticut Lakes Headwaters Forest (CLHF)" form supplied by the department by providing the following information:

- a. The date of application;
- b. Name of the applicant;
- c. Mailing address of the applicant;
- d. Date of birth of the applicant;
- e. Telephone number of the applicant;
- f. If a licensed N.H. hunting guide, his or her current guide's license number and an indication of whether or not they were issued bear guide tags for the current year as described in Fis 1102.06;
- g. A ranking of CLHF trapping unit preferences; and

h. The species, meaning bear, deer, or coyote, for which the applicant wishes to bait for in each trapping unit;

(5) Each lottery application for the CLHF lottery shall be for a single person or licensed N.H. hunting guide and shall be non-transferable;

(6) No person shall submit more than one application except licensed N.H. hunting guides may submit up to a maximum of 3 applications;

(7) Lottery applications shall be submitted to the Fish and Game Department Wildlife Division, 11 Hazen Drive, Concord, N.H. 03301. Lottery applications may be submitted beginning the first Monday in April and shall be received at that location by 4:00 pm on the first Friday in May, or postmarked no later than midnight on the fourth Wednesday in April;

(8) Illegible applications and incomplete applications shall be returned and not considered, however, corrected applications may be resubmitted prior to the deadlines specified in Fis 307.05(k)(7);

Edit. Addresses should be shown as on an envelope.

(9) The lottery for permits to bait bear and other species on the CLHF shall be held on or before the 12th day following the close of the application period as specified in Fis 307.05(k)(7) and be based on random, hand selection of applications at the fish and game region 1 office;

(10) Based on the order of selection, applicants shall be offered a baiting permit(s) as follows:

- a. Applicants shall be offered a baiting permit(s) for bear or other species for the highest ranked trapping unit(s) indicated on their application(s) that have not been previously filled;
- b. Selection of applicants shall continue until all species-specific baiting opportunities in all trapping units have been filled, or no more eligible applicants are available;
- c. Successful applicants will be notified by mail within 7 working days of the trapping unit-and species baiting opportunities awarded them;
- d. Successful CLHF lottery applicants shall complete and submit an application for a permit to bait wildlife on state owned and managed lands in accordance with Fis 307.05(d), (e), and (f) for each trapping unit and species opportunity awarded them in the lottery noting on the form that the application for a permit to bait wildlife is for a site awarded in the CLHF lottery, and providing the CLHF trapping unit number in which the site is located; and
- e. Following the lottery, any baiting permits as specified in (k) not issued in the lottery by species and trapping unit shall be distributed on a first come-first serve basis at the fish and game department region 1 office; and

(11) Baiting on the CLHF shall be in compliance with RSA 207:3-d, Fis 307.01, Fis 307.02, and Fis 307.03.

Readopt Fis 308.01, eff 6-5-12 (Doc #10142), to read as follows:

Fis 308.01 Definitions.

(a) “Level I wildlife control operator” means a person who is a licensed trapper and who is also engaged in the practice of trapping nuisance animals under RSA 210:24-b.

(b) “Level II wildlife control operator” means a person who is engaged in the commercial practice of trapping nuisance animals under RSA 210:24-b.

(c) “Nuisance animal” means wildlife that a landowner wants excluded or removed to protect their family or their property from injury or destruction by the animal specified in Fis 308.02(e).

Readopt Fis 308.06, eff. 6-5-12 (Doc #10142), to read as follows:

Fis 308.06 Reports.

(a) Report information required in Fis 308.04(d)(2) and Fis 308.05(f) shall be submitted for the period June 1 through May 31 the previous year.

(b) Wildlife control operators shall submit the wildlife control operator report no later than June 30.

(c) Any licensee failing to report shall be refused a license until the complete information has been filed.

Readopt with amendment Fis 309.01, previously eff. 6-5-10 (Doc #9720-A), as amended eff. 6-5-12 (Doc #10142), and expired 6-5-18 in (a) and (c), so that Fis 309.01 reads as follows:

Fis 309.01 Chronic Wasting Disease (CWD).

Note to JLCAR. The Committee may have questions about the application and enforcement of the expired rules.

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

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

(1) "Cervid" means any member of the family Cervidae; and

(2) "CWD positive jurisdiction" means those US states or Canadian provinces in which chronic wasting disease has been found in the wild or captive cervids.

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

(1) De-boned meat;

(2) Antlers;

(3) Antlers attached to skull caps from which all soft tissue has been removed;

(4) Upper canine teeth, also known as buglers, whistlers or ivories, from which all soft tissues has been removed;

Edit. comma

- (5) Hides or capes with no part of head attached;
- (6) Finished taxidermy mounts; or
- (7) Tissues prepared and packaged for use by diagnostic or research laboratories.

Appendix

Rule	State or Federal Statute the Rule Implements
Fis 301.02	RSA 208:1-a, I; RSA 208:2; RSA 208:22, I, III; RSA 209:12-a
Fis 301.03	RSA 206:10, I; RSA 208:2
Fis 301.04	RSA 206:10, I; RSA 208:2
Fis 301.041	RSA 208:7-a, I, II
Fis 301.06	RSA 208:7-a, II; RSA 208:22, I, III
Fis 301.07	RSA 208:1-a, I, II
Fis 301.09	RSA 208:1-a, I, II
Fis 301.10	RSA 207:56, III
Fis 302.01	RSA 209:12-a, I
Fis 302.012	RSA 209:12-a, I
Fis 303.04	RSA 206:10, I; RSA 210:23
Fis 303.06	RSA 206:10, I; RSA 210:23; RSA 208:1-e
Fis 303.11	RSA 210:23
Fis 304.04	RSA 206:10, I; RSA 207:22-c, III
Fis 307.01	RSA 207:3-d, I; RSA 208:2
Fis 307.02	RSA 207:3-d, I; RSA 208:2
Fis 307.04	RSA 207:3-d, I; RSA 209:12-a, I
Fis 307.05	RSA 207:3-d, I; 208:1-e, 208:2
Fis 308.01	RSA 210:24-b, I
Fis 308.06	RSA 210:24-b, I
Fis 309.01	RSA 206:10, I

Note to JLCAR on Legis. Intent: The rulemaking public hearings for this proposal were to be held on 3/26/21 and 3/30/21 as Microsoft Teams webinar public hearings. RSA 541-A:11 appears to presume in-person hearings since it refers to postponements for inclement weather for example. That RSA does not address remote public hearings as it was enacted before the use of such technologies. While the Governor's E.O. #12 amends RSA 91-A to allow for remote hearings, that does not apply to departments. But the JLCAR may wish to ask the Department how the hearing proceeded and the public's access to it, since RSA 541-A:11, I(a) requires that an agency "shall afford all interested persons reasonable opportunity to testify...in accordance with the terms of the notice." A legislative fix may be needed in RSA 541-A:11, along with changes to all Chapter 200 rules, to clearly allow for remote rulemaking hearings. In the meantime, SB 95 contains an amendment to RSA 91-A to address the protocols of remote meetings by public bodies contained in the Governor's E.O. #12 but not to address rulemaking hearings under RSA 541-A:11.