

Notice Number 2024-30 Rule Number Fis 300 various sections and Fis 1102.07

1. Agency Name & Address:  <b>Fish and Game Department 11 Hazen Drive Concord, NH 03301</b>	2. RSA Authority: <b>RSA 206:10, I; RSA 207:12-c; RSA 208:1-a I &amp; II; RSA 210:17; RSA 210:23; RSA 210:24-b; RSA 212:19; RSA 215:2</b> 3. Federal Authority: <u>N/A</u> 4. Type of Action: Adoption _____ Repeal _____ Readoption <u>X</u> Readoption w/amendment <u>X</u>
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5. Short Title: **Wildlife Seasons and Bear Guide Tags**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

**The Fish and Game Department proposes to readopt with amendment the following sections:**

- **Fis 301.071, entitled “Moose Hunter Diary”, which requires a moose hunter to complete and submit a “Moose Hunter Diary” form, to clarify the current revision date of the form incorporated by reference and where the diary form may be obtained, and to provide a date certain for mailing diary forms when necessary;**
- **Fis 301.08, entitled “Moose Registration at Biological Check Stations”, which requires a moose, or specific portions thereof, to be presented at a biological station for registration within 24 hours of the kill, to simplify and clarify language; remove the requirement that the moose be visible during transport; specify that the registration form is provided by the agent; and strike the description of such form in these rules;**
- **Fis 303.08, entitled “Annual Trapper’s Report”, which requires trappers to submit an annual report by April 30<sup>th</sup> each year, to add the link to the on-line form, and strike the description of the form in these rules;**
- **Fis 303.12, entitled “Restrictions on Certain Traps”, which sets forth the requirements for when, where, and what types of traps are allowed to be used, to make minor editorial and punctuation corrections;**
- **Fis 303.13, entitled “Award of Trapping Permits for State Managed Lands”, which sets forth the processes for how such trapping permits are issued and for what they may be used, to correct the Department’s website address; add a link to the on-line application form; strike the description of the form in these rules; clarify the process that is followed when a permittee fails to meet their objectives; and remove the 3-year restriction on eligibility for a permit due to such failure to meet objectives;**
- **Fis 308.03, entitled “Trapping Restrictions”, which describes how traps shall legally be used, to readopt paragraph (g) and add back in paragraphs (a)-(f) and (h)-(m) that expired 6-5-22;**
- **Fis 310, entitled “Control of Nuisance Black Bears”, which stipulates prohibited actions by the public for attracting bears, to correct the part and section headings to read “Control of Black Bear-Human Conflicts”, and clarify the language;**
- **Fis 311.01, entitled “Definitions”, which sets forth definitions for “big game animal” and “licensed tracker”, to correct punctuation;**

- **Fis 311.02**, entitled “Licensing for Use of Leashed Tracking Dogs”, which stipulates that a trained tracking dog may be used to track a dead or wounded big game animal, as well as the requirements for the tracker, to include the links to 2 on-line forms and remove the description of those forms from these rules;
- **Fis 311.03**, entitled “Use of Leashed Dogs for Tracking Big Game Animals”, which sets forth when and how a tracking dog may be used for finding big game, to clarify language; remove abbreviations; and remove the restriction on hours when the licensed tracker may call the Department; and
- **Fis 1102.07**, entitled “Bear Guide Tags”, which requires a guide and their guided hunter to fill out the appropriate sections of the tag form, to insert the revision date of the form; strike the description of the form in these rules; and add the link to the on-line form.

**This proceeding also proposes to readopt Fis 303.05, entitled “Bobcat”, which stipulates there is no open season for taking bobcat.**

**These rules are set to expire June 2, 2024, and are being filed pursuant to RSA 541-A:14-a, I so that the rules will continue to be in effect for the duration of this readoption proceeding.**

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

**Any persons wishing to hunt moose, trap fur-bearers, use dogs to track injured game, has a conflict with a bear, or employs the use of a Guide for hunting bear.**

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

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Fis 301.071	RSA 206:10, I; RSA 208:1-a, I
Fis 301.08	RSA 206:10, I; RSA 208:1-a, I
Fis 303.05	RSA 206:10, I; RSA 210:23
Fis 303.08	RSA 206:10, I; RSA 210:23
Fis 303.12	RSA 206:10, I; RSA 210:17; RSA 210:23
Fis 303.13	RSA 206:10, I; RSA 210:23; RSA 212:19
Fis 308.03	RSA 206:10, I; RSA 210:13; RSA 210:17; RSA 210:24-b, I
Fis 310.01	RSA 206:10, I
Fis 311.01	RSA 206:10, I; RSA 207:12-c
Fis 311.02	RSA 206:10, I; RSA 207:12-c
Fis 311.03	RSA 206:10, I; RSA 207:12-c
Fis 1102.07	RSA 206:10, I; RSA 215:2

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

Name: **Marty Mobley**  
Mailing Address: **11 Hazen Drive  
Concord, NH 03301**

Title: **Legal Coordinator**  
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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: **Friday, April 5, 2024**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, March 29, 2024 at 12:30 pm**  
Physical Location: **East Conference Room, Fish and Game Headquarters  
11 Hazen Drive, Concord, NH 03301**  
Electronic Access (if applicable): **N/A**

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

FIS # 24:020, dated 02/14/2024

**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

There is no difference in cost when comparing the proposed rules to the existing rules. Not applicable to Fis 308.03(a)-(f), (h), and (m), as these rules had expired.

**2. Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

**3. Cost and benefits of the proposed rule(s):**

There are no differences in costs or benefits when comparing the proposed rules to the existing rules. When comparing the expired rules to the proposed rules there is no additional cost or benefit.

**A. To State general or State special funds:**

None.

**B. To State citizens and political subdivisions:**

None.

**C. To independently owned businesses:**

None.

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

**This proposal does not mandate any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivisions, and therefore does not violate Part I, Article 28-a of the New Hampshire Constitution.**