

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

NOVEMBER 14, 2023 COMMISSION MEETING MINUTES

Meeting Location: NH Fish & Game Department, 11 Hazen Drive, Concord, NH 03301.

Commissioners Present: M. Hodgson, J. Caveney, R. Green, B. Temple, E. Stohl, S. Price, J. Titone, C. Hodgdon & A.J. DeRosa.

Commissioners absent/excused: P. DeBow.

Belknap County Commissioner seat is vacant at this time.

Executive Director Mason – Present

Chairman E. Stohl called the meeting to order at 1:00 p.m., and asked the audience to join in the pledge of allegiance. He informed the audience that the public is entitled to attend all Commission meetings and when recognized by the Chairman, the public may speak on any item on the agenda. The Chairman reserves the right to limit comment to the extent necessary for the orderly conduct of the meeting.

ACTION ITEMS:

- 1.) Commissioner M. Hodgson moved to approve the October 17, 2023 Commission Minutes with the following amendments and Commissioner R. Green seconded. The vote was unanimous in the affirmative.

Amendment: Page 6 – Resources & Infrastructure Committee, 2nd paragraph, should read: He further asked that Director Mason name a staff member who will be updating the committee on upcoming land projects/requests. *In addition, Chairman Green requested that the committee receive a list of upcoming projects.*

Amendment: Page 2 – Items #2, should read: Andy Timmins, Game Programs Supervisor, reported that the Wildlife Division plans to enter into a four year Cooperative Project Agreement with the University of New Hampshire on research to quantify fisher survival rates, space use, and cause-specific mortality. The Wildlife Division has received an approved grant application for expenditure of federal monies. *The Fisher study is \$1,653,140, which includes \$1,239,855 in federal funds and \$413,285 in UNH funding via cost-share, therefore, no cost to the department.*

Amendment: Page 9 – Call to the Public, last paragraph should read: Julia Sinclair ~~Snyder~~.

Commissioner R. Green moved to accept consent agenda items 2a. – 2c., as presented below and Commissioner A. J. DeRosa seconded.

2a.) The Commission accepted the donation of \$1,000 from Doug & Kathy Edwards. The donation was made in appreciation of the Conservation Officer's assistance in locating their son, Caleb, who drowned in Burns Pond on July 17, 2023.

2b.) The Commission accepted the donation of \$3,500.00 from George Tombarello, in memory of retired District Five Lieutenant Scott F. LaCrosse, who passed away suddenly on April 2, 2019. This

donation will be used toward the restoration of the Sewall's Falls storage facility recently named in Scott's honor.

2c.) The Commission accepted the donation of one bow and arrow set from Mr. Killies, valued at \$100.00, relayed to the Hunter Education Program for their use.

The vote was unanimous in the affirmative to accept the above consent agenda items.

INFORMATION ITEMS:

1.) Kathy LaBonte, Chief, Business Division, clarified a few questions for Commissioner C. Hodgdon as it related to the financial statement.

2.) Mike Marchand, Nongame & Endangered Wildlife Program Supervisor, provided an extensive overview of the Environmental Review Program. (See attached for full presentation)

NONGAME AND ENDANGERED WILDLIFE PROGRAM (WHO ARE WE)

- Endangered Species Conservation Act (1979) RSA 212-A.
- Program established in 1988.
- Coordinates protection efforts for the state's wildlife that are not hunted, fished, or trapped.

ENDANGERED SPECIES CONSERVATION ACT (RSA 212-A)

212-A: 3 Findings and Declarations. –The legislature finds and declares that:

I. Species of wildlife normally occurring within this state, which may be found to be in jeopardy, should be accorded such protection as is necessary to maintain and enhance their numbers.

NONGAME SPECIES MANAGEMENT ACT (RSA 212-B)

The legislature finds and declares that:

I. NH's wildlife resources include more than 300 vertebrates species that normally breed in the state, and an additional 120 bird species which occur as transients, migrants, or wintering populations. Of these 420 species, about 60 are considered furbearers, game birds or mammals, or sport fish.

II. Native wildlife constitutes an **invaluable natural resource** with ecological, scientific, educational, historical, recreational, economic, and aesthetic values to the citizens of New Hampshire.

III. It shall be the policy of the state to **maintain and manage this resource for future generations.**

An economic boost.–Americans spend \$156 billion on wildlife-focused recreation every year (USFWS 2017 report). An investment in wildlife conservation will result in more outdoor opportunities for all outdoor enthusiasts.

In NH, an estimated **630,000 residents and nonresidents** participate in wildlife-**watching** activities on an **annual** basis, while generating an estimated **\$281,000,000** per year in economic activity in our state (USFWS 2011 report).

From 2006-2016, wildlife watching estimated participation increased by 21% and estimated expenditures increased by 39% (USFWS 2017 report).

NONGAME AND ENDANGERED WILDLIFE PROGRAM

- Currently seven (7) full-time staff (nongame funds), one (1) part-time (SWAP) & four (4) reviewers (federal funds through June 30, 2025).
- Funded by a combination of private donations, a state-matching grant, federal funds, and conservation license plate.

WHAT WE DO...

- Species monitoring & research.
- Species & habitat management, restoration, and conservation.
- Conservation planning.
- Technical assistance to landowners and land managers and education.
- Coordinate the development and implementation of the NH Wildlife Action Plan.

Conservation Measures:

Fis1004.03 (c) 12 Conservation Measures to avoid, minimize, or mitigate potential harm to threatened and endangered species and habitat determined to be critical, including but not limited to:

- Design modifications** to proposed actions to protect species from harm.
- Modifications to proposed actions such as **alteration of the timing** of proposed actions to protect species from harm.
- Design **crossing structures** to maintain and enhance habitat quality and accommodate movement of species;
- Education and training** for construction personnel as to what construction activities have the potential to cause adverse impacts to species.
- Signage** to identify specific locations where construction activities have the potential to cause adverse impacts to species.
- Continued **research and monitoring** of identified species
- Protection or restoration of wildlife corridors**
- Maintenance, enhancement, or protection o habitat **buffer areas**
- Habitat protection, management, or restoration.**

WILDLIFE ACTION PLANS BLUEPRINT FOR WILDLIFE CONSERVATION IN NH. COORDINATED BY NHFG NONGAME PROGRAM.DEVELOPED AND IMPLEMENTED BY HUNDREDS OF PARTNERS.

Mike reported that the **2015 Revision included 169 Species, 27 Habitats, the First Plan in 2005 included 123 Species, and 27 Habitats, and the 2025 Revision is underway.**

NHFG AUTHORITY: LAWS AND RULES

- RSA 212-A -Endangered Species Conservation Act.
- FIS 1000 –Conservation of Threatened and Endangered Species.
- Other NHFG Statutes/Rules –Protected Wildlife - e.g., RSA 209:9 Golden and Bald Eagles.
- Other State Department Rules and Regulations.
(Department of Environmental Services Wetlands and Alteration of Terrain).
- MOA with Departments of Environmental Services and NH Natural Heritage Bureau.
- U.S. Endangered Species Act –overlapping but independent authority for some species.

RSA 212-A ENDANGERED SPECIES CONSERVATION ACT

212-A:5 Wildlife Species. –II. The executive director shall, by rule, establish such limitations relating to **taking**, possession, transportation or sale as may be deemed necessary to conserve threatened or endangered species.

212-A:7 Prohibited Acts. –I. With respect to any endangered or threatened species, it is unlawful, except as provided in RSA 212-A:7, II for any person to:**(b) Take any such species within this state;**

212A:9 Conservation Programs. –III.

All other state departments and agencies shall assist and cooperate with the executive director in the furtherance of the purposes of this chapter for the conservation of endangered or threatened species. They shall take such action as is reasonable and prudent to insure that **actions authorized, funded, or carried out by them do not appreciably jeopardize the continued existence of such species, or result in the destruction or modification of habitat of such species, which is determined by the executive director to be critical. The requirement for all such action is designed to avoid and minimize harm to such species and habitat designated as critical.**

NHFG REVIEW PROCESS: HOW WE GOT HERE

- <2017 –NHFG nongame staff review state permit applications submitted to Department of Environmental Services (NHDES) under MOA (wetlands, alteration of terrain, shoreland). *Some changes occurred over this timeframe.*

- 2017-2019 –A NHDES Alteration of Terrain (AOT) permit was challenged and was overturned by NH Supreme Court.

- 2019-2020 -NHDES AOT program changed rules pertaining to NHFG review of projects.
- Rules required a wildlife assessment for all projects. NHFG staffing not sufficient for procedure change and project reviews were delayed.

- 2020 -NHFG and NHDES held several joint input sessions to inform direction of future rules. Participants recommended NHFG develop rules.

2021 -SB 129 modified RSA 212A

- Edited RSA 212-A:9 III to: “...actions authorized, funded, or carried out by them do not appreciably jeopardize the continued existence of such species or result in the destruction or modification of habitat of such species...by requiring that all such action is designed to avoid and minimize harm to such species and habitat designated as critical.”

- Added a Mitigation Fund (RSA 212-A:16)

- Required NHFG to develop FIS Rules

2021-2022 -NHFG and NHDES AOT went through public rule process to update rules.

- NHFG FIS 1002-1005; Rules Effective 2-3-2022

- New NHFG rules created new administrative procedure with required review timeframes.

•2022 -Four new temporary staff (3 reviewers, 1 planner) were hired and trained and review procedures implemented; funding available through FY25. No dedicated long-term funding available for review staff.

Principles of Conservation & Wildlife Biology are applied by NHFG biologists in the Conservation of Species:

- Best Management Practices are Helpful, however, each species is Unique in their habitat requirements & often complex (Wildlife Move!)
- Each Site/Landscape is Unique (Habitat availability, threats, condition of wildlife population, etc.)

On behalf of the Commission, Chairman Stohl thanked Mike for the informative presentation.

See the full presentation to view the graphs, charts & project timelines relative to the environmental review process.

COMMITTEE STRUCTURE:

LEGISLATIVE COMMITTEE: Public policy development & recommendations, as well as Commission advocacy before legislature.

Commissioner Price, Chair; Commissioners: Caveney, DeBow, Hodgson & Green.

Staff members: Kevin Jordan & Marty Mobley.

Commissioner S. Price reported that the committee did not meet. She reported that the committee would be meeting prior to the December 19, 2023 Commission Meeting.

GOVERNANCE COMMITTEE: Commission professional development, education & policy recommendations related to Commission conduct & activities.

Commissioner Caveney, Chair; Commissioners: Temple, Hodgson & Titone.

Staff member: Cheri Patterson.

Commissioner J. Caveney reported that the committee did not meet.

SUSTAINABILITY & STRATEGIC PLANNING: Agency funding, development & oversight of strategic plan.

Commissioner Hodgdon, Chair; Commissioners: Caveney, DeRosa, Hodgson & Titone.

Staff member: Scott Mason.

Commissioner C. Hodgdon reported that committee members are completing interviews with the Senior Staff to obtain feedback on focus areas of the Strategic Plan. He reported that he would provide the Commission with a draft proposed schedule/anticipated timeline of next steps of the planning process. He further reported that the committee would be meeting on November 27, 2023, to discuss the next steps. In closing, he reported that the goal was to publish the draft plan in March of 2024 on the Department's website and act on the final adoption in April of 2024.

RESOURCES & INFRASTRUCTURE: Policy recommendations related to agency infrastructure; including facilities, public access, habitat & wildlife.

Commissioner Green, Chair; Commissioners: Caveney, DeRosa & Temple.
Staff member: Dianne Timmins.

Commissioner R. Green reported that the committee met prior to the Commission Meeting and had a lengthy discussion on the Wild Goose Boat Launch and a brief discussion on the structure of the fish hatcheries.

He further reported that the committee received the list of upcoming land projects and stated that Dan Bergeron would be defining it a little further for the committee for the next meeting.

PUBLIC ENGAGEMENT & EDUCATION: Engagement, partnership, awards, public recognition & education strategies for the public & interest groups.

Commissioner DeRosa, Chair; Commissioners: DeBow, Hodgdon & Price.
Staff members: Dan Bergeron, Kevin Jordan & Cheri Patterson.

Commissioner S. Price, Interim Chair, Public Engagement & Education Committee, reported that the committee drafted an informational sheet outlining the Commission's roles & responsibilities, to be placed on the Commission's web page to better help the public understand what exactly the Commission does.

Commissioner M. Hodgson reported that she was seeing this draft for the first time today. She thought the draft informational sheet heavily referenced the RSAs relative to the duties & responsibilities of the Commission and thought summarizing it instead would help the general public better understand what the Commission does. In addition, she stated that she would like to see a little more effort put into the last paragraph.

Commissioner R. Green stated that he did not agree with most of the draft, especially the last paragraph. He stated that he felt that it seemed restricting/limiting Commissioners to their counties.

Commissioner Green stated, "The intent is to educate the public and clarify the Commission's roles & responsibilities. I do not feel it meets the intent of what we are asked to do."

Commissioner J. Caveney stated, "When I read this, what comes to mind is, with no disrespect intended, maybe less is more."

Commissioner A.J. DeRosa thanked Commissioner Price for compiling the draft informational sheet. He stated that he liked the language and would take the draft back to the committee for further work, tweaking the last paragraph and will send it to the Commission for their feedback.

After brief discussion, it was decided that the Commission Awards Ceremony would take place at the December 19, 2023 Commission Meeting.

SEACOAST REPORT: Commissioner J. Titone reported that the ASMFC (Atlantic States Marine Fisheries Commission) would be holding a hearing on December 11, 2023, regarding striped bass and the proposed 14% reduction in commercial and recreational catch, details of the hearing forthcoming.

He reported that the Bureau of Ocean Energy Management (BOEM) identified a Draft Wind Energy Area in the Gulf of Maine. The Draft covers approximately 3,519,067 acres offshore Maine, Massachusetts and New Hampshire, ranging from approximately 23 - 120 miles off the coast. The Gulf of Maine has significant opportunities for offshore wind energy development, which will create good-paying jobs and new economic activity, as well as being beneficial for recreational and commercial fleet.

He further reported that NOAA (National Oceanic Atmospheric Administration) is proposing a lobster trap reduction in Lobster Management Area 3, which is approximately 60 miles offshore, from Maine to N. Carolina. This would close lobster fishing in that area, which could affect 30 fishermen from Massachusetts.

LAKES MANAGEMENT ADVISORY COMMITTEE: Commissioner Price.

Commissioner S. Price reported that the committee has not met. She reported the Commissioner A.J. DeRosa would be representing the Commission at their December meeting.

NH RIVERS MANAGEMENT ADVISORY COMMITTEE: Commissioner Hodgdon.

Commissioner C. Hodgdon reported that the committee has not met.

OLD BUSINESS: Commissioner R. Green revisited his concern over the desire for enhanced penalties for poachers, such as jail time. He spoke to the numerous calls he receives relative to this illegal activity, and the fact that the current fines and penalties are not strict enough and do not seem to have much of an impact on the habitual offenders/violators.

Director Mason asked Colonel Jordan if any other states have jail penalties for poachers.

Colonel Jordan responded that there was not.

Colonel Jordan stated that he was in full support of the idea, however, believes it would be a challenge getting it passed into rule/law.

Commissioner R. Green moved to have the Legislative Committee work with the Law Enforcement Division to submit a legislative proposal to enhance penalties for poaching, to include jail time, Commissioner S. Price seconded.

Commissioner C. Hodgson reported that even though the deadline has passed to submit a bill, there is a process in place to "late file a bill"; however, is typically used for issues that need immediate attention or addressing.

The vote on the above motion was unanimous in the affirmative.

Commissioner A.J. DeRosa reported that he was not in attendance for the coyote presentation, however, did watch the power point version and stated that the Department did a great job gathering information.

He further reported that studies show that coyotes have an impact on deer, as well as ground nesting species. He stated that he would like to continue that discussion at some point.

NEW BUSINESS:

COMMISSIONERS REPORTS: Commissioners will report on their recent activities as it relates to Fish & Game Commission duties and responsibilities. This is an informational item only.

Commissioner S. Price reported that she accepted the offer from Tom Thomson & Wife, of Orford, NH, to tour their property. She stated, “It was nice to see what we helped them preserve.” She reported that they were thankful for the Commission’s support relative to the game camera & tree stand legislation.

Commissioner A.J. DeRosa reported that he was able to sit in on the NH Audubon Policy Meeting. He reported that discussions focused on trees and the new disease hitting beech trees, which is expected to be a casualty event with 100% crop loss. He reported that the disease is caused by an unusual parasite: a nematode, which is a microscopic roundworm that infects the leaves and buds.

Director Mason reported that the Department has been working with the Nature Conservancy on this.

DIRECTOR’S REPORT:

He reported that he attended the Northeast Directors’ Meeting in Portsmouth, NH. He reported that they spent a day touring the Sig Sauer’s production plant and their event center. He reported that the USFWS and Directors’ Association, on a regional and national level, are working with firearm manufacturers in support of the excise tax to maintain that program, which, in turn, provides PR (Pittman Robertson) Funding.

He reported that Dan Bergeron, Chief, Wildlife Division and Colonel Jordan, Chief of the Law Enforcement Division, toured the Red Deer Farm in Errol, NH.

Director Mason reported that he recently attended the North Country Safety Awards Dinner and stated that it is always an excellent event. He reported that he was present at prior awards dinners when Lt. Kneeland received an award.

CALL TO THE PUBLIC:

Dan Dockham, Gilmanton, NH – stated that he was happy to hear Commissioner Green talk about his desire for stricter penalties for poachers. He stated, “This is a real problem! Nothing seems to be a deterrent for them! They are proud of what they do!”

At this time, 12:11 a.m., Commissioner M. Hodgson moved to adjourn and Commissioner R. Green seconded. The vote was unanimous in the affirmative.

Eric Stohl, Chairman
NH Fish & Game