

**Readopt with amendment Fis 1000, eff. 9/20/08 (Doc #9278), to read as follows:**

## CHAPTER Fis 1000 CONSERVATION OF ENDANGERED AND THREATENED SPECIES

## PART Fis 1001 PROTECTED SPECIES

Fis 1001.01 Endangered. (a) Under the authority of RSA 212-A:6, IV(a), the following species, listed by common and scientific names, shall be considered endangered throughout its entire range within the state:

Table 1000.1 Endangered Species

<u>Common Name</u>	<u>Scientific Name</u>
Dwarf <del>wedgemussel</del> <del>wedge mussel</del>	<i>Alasmidonta heterodon</i>
Brook floater mussel	<i>Alasmidonta varicosa</i>
<del>Ringed boghaunter</del>	<del><i>Williamsonia lintneri</i></del>
Cobblestone tiger beetle	<i>Cicindela marginipennis</i>
<del>Puritan tiger beetle</del>	<del><i>Cicindela puritana</i></del>
Frosted elfin butterfly	<i>Callophrys irus</i>
Karner blue butterfly	<i>Lycaeides melissa samuelis</i>
White Mountain fritillary	<i>Boloria titania montinus</i>
Persius duskywing skipper	<i>Erynnis persius</i>
American brook lamprey	<i>Lampetra bifrenatus</i>
Shortnose sturgeon	<i>Acipenser brevirostrum</i>
Marbled salamander	<i>Ambystoma opacum</i>
Blanding's turtle	<i>Emydoidea blandingii</i>
<u>Eastern box turtle</u>	<u><i>Terrapene carolina</i></u>
Eastern hognose snake	<i>Heterodon platirhinos</i>
Timber rattlesnake	<i>Crotalus horridus</i>
Northern <del>harrier</del> <del>Harrier</del>	<i>Circus cyaneus</i>
Golden eagle	<i>Aquila chrysaetos</i>
Common nighthawk	<i>Chordeiles minor</i>
Piping plover	<i>Charadrius melodus</i>
Upland sandpiper	<i>Bartramia longicauda</i>
Roseate tern	<i>Sterna dougallii</i>
Least tern	<i>Sterna antillarum</i>
<del>Sedge wren</del>	<del><i>Cistothorus platensis</i></del>
<u>Eastern small-footed</u> <del>Small-footed</del> bat	<u><i>Myotis leibii</i></u>
<u>Little brown bat</u>	<u><i>Myotis lucifugus</i></u>
<u>Northern long-eared bat</u>	<u><i>Myotis septentrionalis</i></u>
<u>Tri-colored bat</u>	<u><i>Perimyotis subflavus</i></u>
New England cottontail	<i>Sylvilagus transitionalis</i>
Canada lynx	<i>Lynx canadensis</i>
<u>Eastern</u> <del>Gray</del> wolf	<u><i>Canis lupus</i></u>

Fis 1001.02 Threatened.

(a) Under the authority of RSA 212-A: 6, IV(a), the following species, listed by common and scientific names in Table 1000.2 shall be considered threatened throughout its entire range within the state:

Table 1000.2 Threatened Species

<u>Common Name</u>	<u>Scientific Name</u>
<u>Eastern pond mussel</u>	<u><i>Ligumia nasuta</i></u>
<u>Pine pinion moth</u>	<u><i>Lithophane lepida lepida</i></u>
<u>Ringed boghaunter</u>	<u><i>Williamsonia lintneri</i></u>
<u>White Mountain arctic</u>	<u><i>Oeneis melissa semidea</i></u>
<u>Hessel's hairstreak</u>	<u><i>Callophrys hesseli</i></u>
<u>Bridle shiner</u>	<u><i>Notropis bifrenatus</i></u>
<u>Atlantic sturgeon</u>	<u><i>Acipenser oxyrinchus</i></u>
<u>Round whitefish</u>	<u><i>Prosopium cylindraceum</i></u>
<u>Fowler's toad</u>	<u><i>Anaxyrus fowleri</i></u>
<u>Spotted turtle</u>	<u><i>Clemmys guttata</i></u>
<u>Black racer</u>	<u><i>Coluber constrictor</i></u>
<u>Pied-billed grebe</u>	<u><i>Podilymbus podiceps</i></u>
<u>Common loon</u>	<u><i>Gavia immer</i></u>
<u>Bald eagle</u>	<u><i>Haliaeetus leucocephalus</i></u>
<u>Peregrine falcon</u>	<u><i>Falco peregrinus</i></u>
<u>Common tern</u>	<u><i>Sterna hirundo</i></u>
<u>American three toed woodpecker</u>	<u><i>Picoides dorsalis</i></u>
<u>Red knot</u>	<u><i>Calidris canutus</i></u>
<u>Cliff swallow</u>	<u><i>Petrochelidon pyrrhonota</i></u>
<u>Purple martin</u>	<u><i>Progne subis</i></u>
<u>Cerulean warbler</u>	<u><i>Setophaga cerulea</i></u>
<u>Eastern meadowlark</u>	<u><i>Sturnella magna</i></u>
<u>Grasshopper Sparrow</u>	<u><i>Ammodramus savannarum</i></u>
<u>American marten</u>	<u><i>Martes americana</i></u>

Fis 1001.03 Scientific Permit to Take Endangered or Threatened Wildlife.

(a) For the purpose of this section, "scientific purposes" means the identification, study, inventory, distribution, classification, restoration, and/or management of endangered or threatened species.

(b) In accordance with RSA 212-A:7, II the executive director shall issue a scientific permit to take endangered wildlife species as specified in Fis 1001.01 or threatened wildlife species as specified in Fis 1001.02 for scientific purposes based upon a finding that the activity:

- (1) Will not diminish the viability of the population of the species,
- (2) Utilizes methods which minimize the number of individuals to be taken; and

(2) Will provide the department with information or data useful for the management of the species.

(c) Applicants for a permit to take for scientific purposes endangered wildlife and/or threatened wildlife shall make a written request to the executive director that includes the following information:

- (1) Name, address, telephone number and email contact information for the applicant;
- (2) The organization, agency, or institution with which the applicant is affiliated, if any;
- (3) Scope of the proposed activity and reason for proposed scientific study;
- (4) ~~(2)~~ The species to be taken and methods of take;
- (5) ~~(3)~~ The maximum number of individuals of each species to be taken;
- (6) ~~(4)~~ The location(s) from which the taking shall occur; and
- (7) ~~(5)~~ The intended disposition of all specimens taken.

(d) A scientific permit to take endangered and/or threatened wildlife shall be a letter of authorization from the executive director that includes the following:

- (1) The name and address of the permittee;
- (2) The species authorized to be taken;
- (3) The number of individuals of each species authorized;
- (4) The disposition of the specimens;
- (5) The ~~calendar year~~ time period during which the permit shall be valid;
- (6) Methods of take;
- (7) Other requirements as necessary to protect the species; and
- (6) ~~(8)~~ The signature of the executive director.

(e) By December 31 of each calendar year for which they hold a permit, permittees shall file a written progress report of the study with the executive director which includes:

- (1) The species;
- (2) The number of individuals taken;
- (3) The date and location where species were taken;

- (4) The disposition of the individuals; and
- (5) Other results of the study; including a final report of findings upon completion of the research and other data as required by the permit.

Fis 1001.04 Research Notification.

(a) Any individual, agency, organization, or institution intending to undertake field research in New Hampshire on any wildlife listed as endangered as specified in Fis 1001.01 or threatened as specified in Fis 1001.02 which does not involve capture or taking of specimens shall specify in writing to the executive director the species, nature, location, and time period of such research, and the names of the principal investigator(s).

(b) The principal investigator(s) shall file with the executive director an annual summary of progress by December 31 and a final report of findings upon completion of the research.

Fis 1001.05 Bats in Structures.

(a) Except as set forth in this section, no person shall take a bat listed in Fis 1001.01 and Fis 1001.02.

(b) Pursuant to RSA 212-A:7, II and 50 C.F.R. Part 17.40(o), individual bats, including those listed in Fis 1001.01 and Fis 1001.02 above, may be removed or excluded at any time from the portions of a structure occupied by humans in order to protect the health and safety of the occupant(s) or to prevent the transmission of disease, provided that:

(1) If a bat has been taken in such a removal action; and there has been a risk of disease transmission to a human occupant or a pet animal in residence, the specimen shall, if possible, be safely collected and transmitted to the department of health and human services for testing; and

(2) No such bat shall be removed or excluded from the portions of structures not occupied by humans or mammals actively used in agriculture between May 15 and August 15 in any year unless the department of health and human services has documented the presence of a rabid bat on the property.

(c) Unless acting pursuant to Fis 1001.05(b), bats shall be controlled exclusively by exclusion techniques.

(d) All persons acting to exclude bats shall do so in accordance with the publication "Acceptable Management Practices for Bat Control Activities in Structures - A Guide for Nuisance Wildlife Control Operators", available as noted in Appendix A.

(e) Any action taken by a Wildlife Control Operator licensed pursuant to Fis 308 on a bat shall be reported to the department as required by Fis 308.06, including information as to whether the specimen was transmitted to the Department of Health and Human Services for testing, and the result of the test.

**Readopt with amendment Fis 308.02, eff 6-5-12 (Doc# 10142), to read as follows:**

Fis 308.02 Licensing Requirements.

- (a) A wildlife control operator shall obtain a level I or level II wildlife control operator's license.
- (b) All wildlife control operators shall meet the requirements of RSA 214:11-b relative to education.
- (c) Wildlife control operators may trap, in the performance of their licensed activities, nuisance wildlife outside the regular trapping seasons.
- (d) Wildlife control operators shall not trap endangered or threatened species, protected birds, deer, moose, bear or turkey.
- (e) Wildlife control operators may only trap the following:
  - (1) Beaver;
  - (2) Otter;
  - (3) Mink;
  - (4) Fisher;
  - (5) Porcupine;
  - (6) Raccoon;
  - (7) Bobcat;
  - (8) Grey and red fox;
  - (9) Weasel;
  - (10) Skunk;
  - (11) Muskrat;
  - (12) Grey, red and flying squirrel;
  - (13) Rabbit and hare;
  - (14) Coyote;
  - (15) Opossum;
  - (16) Woodchuck;
  - (17) Chipmunks;
  - (18) Mice, rats, voles, moles, and shrews; and
  - (19) Snakes.
- (f) Bats shall be controlled by exclusion techniques only, in accordance with Fis 1001.05 (d).

(g) ~~Bats shall not be excluded from unoccupied buildings from May 15 to August 15 unless the department of health and human services has documented a rabid bat on the property. Pursuant to Fis 1001.05 (b), no bat shall be excluded from the portions of structures not occupied by humans or mammals actively used in agriculture between May 15 and August 15 in any year, unless the department of health and human services has documented the presence of a rabid bat on the property.~~

(h) Wildlife control operators may remove individual bats from ~~living or work areas~~ portions of structures occupied by humans or mammals actively used in agriculture at any time of year.

(i) Any person trapping under a wildlife control operator license shall be exempt from the written landowner permission required under RSA 210:11, but shall be restricted to the property of that landowner for whom they are working.

(j) Wildlife control operator licenses shall expire on June 30 each year.

**Readopt with amendment Fis 403.06, eff. 1-1-14 (Doc #10425) to read as follows:**

Fis 403.06 ~~Shad, Also Known As White Fish or Bluefins Lake Whitefish (*Coregonus clupeaformis*), *Prosopium cylindraceum*).~~

(a) The daily bag limit for ~~shad~~ lake whitefish shall be 2 fish.

(b) There shall be no limits on length or weight of ~~shad~~ lake whitefish taken.

**Adopt Fis 403.14 to read as follows:**

Fis 403.14 Round Whitefish (*Prosopium cylindraceum*). Round whitefish (*Prosopium cylindraceum*) taken by any method shall be immediately released back into the waters from which it was taken.

**APPENDIX A  
INCORPORATION BY REFERENCE INFORMATION**

<b>Rule</b>	<b>Title</b>	<b>Obtain at:</b>
Fis 1001.05(d)	White-nose Syndrome Conservation and Recovery Working Group. 2015. Acceptable Management Practices for Bat Control Activities in Structures- A Guide for Nuisance Wildlife Control Operators. U.S. Fish and Wildlife Service, Hadley, MA.	U.S. Fish and Wildlife Service, Hadley, MA, no cost; or <a href="http://www.whitenosesyndrome.org/node/1147">www.whitenosesyndrome.org/node/1147</a>

**APPENDIX B**

<b>Rule</b>	<b>Specific State or Federal Statutes which the Rule Implements</b>
Fis 1001.01 and 1001.02	RSA 212-A:6
Fis 1001.03 and 1001.04	RSA 212-A:7, II
Fis 1001.05	RSA 212-A:7, II; 50 C.F.R. Part 17.40(o)
Fis 308.02	RSA 210:24-b
Fis 403.06	RSA 206:10, I
Fis 403.14	RSA 206:10, I