

**RULEMAKING NOTICE FORM**

Notice Number \_\_\_\_\_

Rule Number \_\_\_\_\_

**Fis 1000, 308.02, 403.06,  
403.14**

1. Agency Name & Address:

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

2. RSA Authority:

**212-A:6, II, III, IV(a);  
210:24-b, I; 206:10, I**

3. Federal Authority:

**50 CFR Part 17.40(o)**

4. Type of Action:

Adoption   **xx**  

Amendment \_\_\_\_\_

Repeal \_\_\_\_\_

Readoption \_\_\_\_\_

Readoption w/amendment   **xx**  

5. Short Title:

**Conservation of Threatened and Endangered Species; Wildlife Control Operators;  
and Limits on Take of Certain Fish**

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

**The proposal readopts with amendments Fis 1000, which is the current rule on Conservation of Endangered and Threatened Species. Certain species are added, and others removed from each list of threatened or endangered species. A new section, Fis 1001.05, is added to regulate the take of bats in structures. Amendments are also made to the existing rule on Wildlife Control Operators, Fis 308.02, to conform to the new section on taking of bats. Amendments are also made to the existing rule on the taking of shad, Fis 403.06, now called lake whitefish. A new rule, Fis 403.14 on round whitefish is being adopted also. The amendments to Fis 403.06 and the adoption of Fis 403.14 reflect the listing of these fish as threatened or endangered.**

**Pursuant to RSA 541-A:14-a, the filing of this notice shall prevent the expiration of the currently effective rule, Fis 1000 which would have expired on September 20, 2016.**

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

**All persons who are involved in the scientific study of the listed threatened or endangered species. All persons who seek to have one or more bats removed from an occupied structure. All anglers who may inadvertently take a threatened or endangered fish species. All persons whose efforts to receive permits from other agencies may be affected by the presence of a threatened or endangered species on their property.**

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 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

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

Name: **Paul G. Sanderson, Esq.**  
 Address: **11 Hazen Drive  
 Concord, NH 03301**

Title: **Legal Coordinator**

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

Fax#: **603-271-1438**

E-mail: [comments@wildlife.nh.gov](mailto:comments@wildlife.nh.gov)

**Subject: Lands Under  
 Department Control**

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: **Monday, November 14, 2016**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, November 3, 2016 at 6:00 P.M.**

Place: **Fish & Game Headquarters, 11 Hazen Dr. Concord, NH 03301**

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

FIS # 16:189, dated 9/15/16

Fiscal Impact Statement for New Hampshire Fish and Game Department rules governing Conservation of Endangered and Threatened Species; Wildlife Control Operators; and Limits on Take of Certain Fish. [Fis 1000, 308.02, 403.06, 403.14]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):  
When compared to the existing rule, the proposed rule may increase costs to the Fish and Game Fund.
2. Cote 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):
  - A. To State general or State special funds:  
The proposed rule adopts restrictions on the taking of bats. The Fish and Game Department is unable to estimate any additional enforcement actions that may result from this change and therefore any increase to Fish and Game Fund costs from these proposed rules is indeterminable.
  - 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:

**The proposal does not impose any programs, responsibilities, or administrative duties upon any political subdivision of the state, and thus does not violate the NH Constitution, Part I, Article 28-a.**