NEW HAMPSHIRE FISH AND GAME DEPARTMENT

NOVEMBER 18, 2015 COMMISSION MEETING

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


Commissioners absent/excused: B. Carr, V. Greco & D. Patch

Executive Director Normandeau – Present

Chairman Tichy called the meeting to order at 1:01 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 Chair reserves the right to limit comment to the extent necessary for the orderly conduct of the meeting.

ACTION ITEMS:

1.) Commissioner Phillipson moved to approve the October 14, 2015 Commission Minutes as amended and Commissioner Clews seconded. The vote was unanimous in the affirmative.

2.) Consent Agenda - The following items were grouped together and were noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission voted to approve these matters as presented. Commission members may remove certain items if further public input or discussion is deemed necessary.

   Commissioner Clews moved to approve consent agenda items 2a-2b as presented below, and Commissioner Hubert seconded. The vote was unanimous in the affirmative.

2a.) Commission accepted a donation in the amount of $2,000.00 from the Marshall family, Northborough, MA, in memory of Steven Marshall, who perished while hiking the Champney Fall Trail, Madison, NH, to be utilized by the Department’s Search & Rescue Team.

2b.) Commission accepted a donation in the amount of $10,000.00 from the Great Bay Stewards, to support temporary staff hours dedicated to education & volunteer coordination.

3.) Tom O’Brien, President, Lakes Association, came before the Commission seeking support for mandatory “Clean & Drain” boating practices for lakes & rivers.

   Tom reported that all boaters should be required to clean off any vegetation prior to going between waterbodies. The “Clean & Drain” protocol would prevent the spread of invasive species.

   Commissioner Clews stated, “It comes down to education, such as kiosks, pamphlets, etc. We had this discussion at the last Lakes Management Advisory Committee.”

   Tom responded, “Requiring the protocol will get the message across.”
Chairman Tichy stated, “I will delegate this to the Legislative Committee for review. We will review the language and take a position at that time.”

On behalf of the Commission, Chairman Tichy thanked Tom for the presentation.

3a.) Jasen Stock, Executive Director, and Rick Evans, President, NH Timberland Owners Association, came before the Commission and provided a brief presentation.

Jasen stated, “We appreciate the opportunity to be here today to discuss who we are and what we do.” He reported that the NH Timberland Owners Association (NHTOA), is a non-profit statewide coalition of landowners, forest industry professionals, government officials, and supporters who work together to promote better forest management, conserve working forests, and ensure a strong forest products industry. He stated, “We strive to conserve New Hampshire’s working forests for future generations through public and industry education, legislative advocacy, outreach, and cooperation within the forest community.”

He reported that the NHTOA has approximately 1,300 members and manage about 1 million acres in New Hampshire for multiple uses. He reported that the vast majority of land is in current use, forestry assessment and conservation easements.

In addition, he reported that the NHTOA’s initial objectives are, protection and improvement of the membership’s timberlands and property rights through the joint efforts of the members in planning and acting on matters relating to forest management, legislation, taxes, and other projects that may be of mutual interest to the members. He listed the goals as follows:

1.) To introduce working forest concepts and teach their values. To increase public knowledge and appreciation of working forests means better communication between interested individuals, timberland owners, and the forest products industry.

2.) Preventing the loss of working forestland to development in NH. When productive forestland is converted to residential or commercial infrastructure, rural communities often suffer higher tax burden due to the cost of extended services. By education, the hope is to decrease the number of acres lost each year to development by teaching landowners how to maximize their long-term investment opportunities through timber management and marketing, current use and other tax opportunities and conservation options.

3.) Inform students of the many career choices within the forestry/forest products industries. NHTOA has developed partnerships with several extended learning opportunities and career and technical education programs across the state, where students can learn the value of NH’s working forests and gain exposure to an entire world of opportunity that they can’t find in the classroom.

4.) Instill responsibility for our working forests within our industries. The forest products industry is the 3rd largest industry in NH, employing over 10,000 people and impacting our economy with $1.5 million dollars in revenue annually.

5.) Instill responsibility for our working forests within our landowners. Forestland management has many benefits to landowners, the forest products industry, and our community.
NHTOA teaches landowners and other interested parties proper forest management through training programs, seminars and instructional video and power-point presentations.

Rick Evans spoke relative to deer yards and the importance of having up to date mapping.

Jasen discussed legislation that the NHTOA are looking at for next year. He reported that illegal dumping has become a big landowner issue, which is a real legitimate cost to the landowner. He stated, “We have a piece of legislation drafted that we would like to see pass to address that.”

He reported that he did not have the LSR relative to OHRV laws yet.

Director Normandeau inquired as to NHTOA’s position on HB-500 (suppressor bill). He stated, “The department has gone back & forth.”

Jasen responded, “We don’t like the suppressor bill. We feel it’s a departure from traditional hunting. We testified in opposition of the bill.”

Commissioner Baldwin inquired as to whether NHTOA owns land and questioned whether Wagner was a competitor or member.

Jasen responded, “No, we do not own property, we are a trade association. Wagner is a member of the NHTOA.”

In closing, Jasen stated, “I think there is opportunity to work together with the department on forest management & related interests.”

Chairman Tichy thanked Jason & Rick for their time and presentation. He stated, “NHTOA is a good resource.”

4.) Betsey McNaughten, Land Agent, and Lindsay Webb, Landowner Relations Coordinator, came before the Commission seeking their approval to accept the donation of 10.2 acres in the Town of Jefferson from Robert Durant.

Betsey reported that the property is located just off Route 2, at the convergence of the Israel River and Stalbird Brook in the Town of Jefferson. Mr. Durant purchased the property in the mid 1970’s and never developed it and would like to donate it to the department. She reported that there were no encumbrances on the property and it was surveyed in 1977. This donation will protect approximately 3000 feet of river frontage and is easily accessible and utilized by the locals for shorebank angling.

In addition, Lindsay provided some back ground information relative to Mr. Durant. She reported that Robert was a retired school teacher who loved to hunt and fish. Robert is now retired and no longer hunts or fishes, however, has spent the last 8 years walking a stretch of the Israel River in Lancaster documenting all the plants and wildlife species along a 2 mile stretch and has subsequently shared slideshows of his pictures with the community. She reported that Robert’s love for the natural world had prompted him to look to the Fish & Game Department as recipients of his land & estate. He stated to Lindsay, “I would like the land to be used for public access for the purpose of nature study, fishing and recreation.”
Further, she reported that about a year ago Mr. Durant contacted the department with questions relative to leaving his estate and land to the Fish & Game Department. As the department’s liaison for the Wildlife Heritage Foundation, she became involved, along with other department staff. In that years’ time, the language in his will is now finalized and the Wildlife Heritage Foundation and the Department have the potential to receive a significant amount of money. That money, as you know, comes back to the department.

In closing, she reported that the 10 acre parcel in Jefferson was very unique, in that it borders the Israel River and Stalbird Brook, which has a healthy brook trout population.

Commissioner Morse moved to accept the donation of 10.2 acres in the Town of Jefferson from Robert Durant and Commissioner McGonagle seconded. The vote was unanimous in the affirmative.

5.) Mark Ellingwood, Chief, Wildlife Division, reported that the Wildlife Action Plan has been approved & adopted by the department. He reported that there would be a 1 hour “Wildlife Action Plan Open House” for the Commission preceding the December 9, 2015 Commission Meeting to see the plan & ask questions.

In addition, Mark reported that he or Kent Gustafson, Program Supervisor, would be providing the Wildlife Division’s schedule for rulemaking at the December 9, 2015 meeting.

Mark presented the Habitat Management budget for FY’16 (See attached). Mark thanked Kathy LaBonte, Chief, Business Division, and her staff for their assistance with the budget.

At this time, Director Normandeau stated, “Due to the continuing resolution for the first 3 months of the fiscal year, the Fisheries and Wildlife Habitat Accounts continued to pay salaries until the actual budget was approved and those salaries were switched to non-dedicated accounts. Through a legislative mandate, the department is to make an effort to reimburse the Wildlife and Fisheries Habitat Accounts for the monies utilized for staff salaries. I have not done this yet, however, I will be sorting through that in the near future with the Wildlife and Fisheries Division Chiefs.”

Commissioner Morse moved to approve the Habitat Management budget as presented and Commissioner Ryan seconded. The vote was unanimous in the affirmative.

Mark presented the Game Management budget for FY’16 (See attached).

Commissioner McGonagle moved to approve the Game Management budget as presented and Commissioner Morse seconded. The vote was unanimous in the affirmative.

6.) Commissioner Hubert moved to approve the expenditure of $2,304.00 in Game Management funds in support of a test to detect *P. Tenuis* in the blood of moose and deer and Commissioner Clews seconded. The vote was unanimous in the affirmative.

Action Items 7 & 8 were moved to Information Items.

9.) Commissioner Clews moved to approve the expenditure of up to $1,000.00 from the “Sale of Fish Food Account” at Eagar, Inc., to purchase spawning supplies, nets, hatchery rearing tank cleaning
equipment and miscellaneous aquaculture supplies for the Fish Culture Staff and Commissioner McGonagle seconded. The vote was unanimous in the affirmative.

10.) Commissioner Phillipson moved to approve the expenditure of $11,875.00 from the Fisheries Habitat Account to cover the cost of the FY’16 dam registration fees assessed by the Department of Environmental Services and Commissioner Baldwin seconded. The vote was unanimous in the affirmative.

**LATE ACTION ITEM:**
1.) Doug Grout, Chief, Marine Division, came before the Commission seeking approval to initiate the rulemaking process to modify rules for marine aquaculture reporting. He reported that with the rapid expansion of marine aquaculture in NH, the department is proposing to modify rules for aquaculture harvest reporting so that licensees can report through the Atlantic Coastal Cooperative Statistics Programs electronic reporting system.

Commissioner Hubert moved to go forward with the rulemaking process to modify rules for marine aquaculture reporting and Commissioner Clews seconded. The vote was unanimous in the affirmative.

**INFORMATION ITEMS:**
1.) Kathy LaBonte, Chief, Business Division, provided the monthly financial statement.

2.) Information Item #2 was taken off the agenda.

3.) (Originally Action Item #7)

Cheri Patterson, Marine Program Supervisor, came before the Commission and provided a presentation on a future request to expend up to $75,000 from the Fisheries Habitat Account to provide non-federal assistance funding to remove the Great Dam in Exeter, NH.

Cheri reported that the project rated 75 points on the criteria rating scale in relation to its benefits. She reported that the Town of Exeter decided to move forward with a dam removal option by the town vote in March of 2014. The town since has been in the process of designing the dam removal project with the federal National Oceanic and Atmospheric Administration (NOAA) & United States Fish & Wildlife Service (USFWS), and state partners, Department of Environmental Services (DES) and the Fish & Game Department (F&G), to obtain funds to complete the project between town, state, and federal funds.

She further reported that the Great Dam is located in the Exeter River at the center of Exeter’s business district, just upstream of where the river flows into the tidal Squamscott River. The dam impounds the river about 4.5 miles upstream, including a portion of the Little River. The dam has an associated fish ladder, owned and operated by the Fish and Game Department since the early 1970’s. The fish ladder has passed a variety of fish species, as well as diadromous fish species, some of which are species of special concern for both NH and NOAA. The anticipated project total is $991,442.00.

Commissioner Baldwin inquired whether NOAA committed any monies to the project. He stated, “I’d like to know that before I would consider using habitat monies.”
Commissioner Clews inquired as to when the dam is removed if boulders would be placed.

Cheri responded, “They will be putting in some boulders as soon as possible and then will tweak it.”

Bill Carney, audience member, stated, “I do not think we should take monies from this account for this project. The money should come out of the marine division or federal monies that come to the marine division.”

4.) (Originally Action Item #8)

Cheri came before the Commission and provided a presentation on a future request to expend up to $75,000 from the Fisheries Habitat Account to provide non-federal assistance funding to remove the Sawyer Mill Dams in Dover, NH.

Cheri reported that the project rated 75 points on the criteria rating scale in relation to its benefits. She reported that in reaction to a deficiency letter from the Department of Environmental Services, Dam Bureau, the owner conducted a feasibility study (funded by the owner, state & federal funds) in 2014 to determine the best option. The owner has decided to move forward with dam removal and is now in the planning & design phase. The project to date involves both federal and state partners (NOAA, USFWS, DES & F&G) and is currently obtaining funds to complete the project between the owner, state, and federal funds.

She further reported that the dams are located ¼ mile above the head-of-tide. Fish surveys conducted between the former head-of-tide dam (removed in 2004) and these dams, showed freshwater, estuarine, and diadromous species, some of which are species of special concern for both NH and NOAA Fisheries. Fish surveys above the dams also reflect common freshwater species. The anticipated project total is $643,075.00.

Chairman Tichy stated, “We will review it and have further discussion at the December 9, 2015 Commission Meeting.”

**STANDING COMMITTEES:**

**POLICY COMMITTEE:** Commissioners; Commissioners McGonagle & Clews. Commissioner McGonagle reported that the committee met briefly the morning of the Commission Meeting. It was decided that the department would not go forward with adjusting any specific license fee unless that particular proposed license adjustment goes forward to a public hearing so everyone has an opportunity to provide input.

**LEGISLATIVE COMMITTEE:** Commissioner Morse, Chair; Commissioners Hubert, Greco, Patch, and Baldwin. Commissioner Morse reported that the committee did not meet.

**RIVERS COMMITTEE:** Commissioner Ryan: Commissioner Ryan reported that the committee did not meet.

**LAKES COMMITTEE:** Commissioner Clews: Commissioner Clews reported that the Lakes Committee did not meet.
AWARDS COMMITTEE: Commissioners Ryan and Morse. Commissioner Ryan reported that the committee did not meet and announced that the deadline to submit award nominations was December 31, 2015.

Chairman Tichy asked Commissioners Baldwin & Hubert to sit on the Awards Committee with Commissioner Ryan. They both agreed to sit on the committee.

HANDBOOK & ORIENTATION COMMITTEE: Commissioner Patch, Chair; Commissioner Carr. Commissioner Patch & Carr were both absent from the meeting. Chairman Tichy reported that the committee did not meet. He announced that there was a policy insertion to the handbook in front of everyone relative to public fishing access pertaining to the stocking of cultured trout.

STRATEGIC PLANNING COMMITTEE: Commissioner Greco, Chair; Commissioners McGonagle, Tichy and Phillipson. Commissioner Greco was absent from the meeting, however, Commissioner McGonagle reported that the committee did not meet.

WILDLIFE HERITAGE FOUNDATION: Commissioner Greco. Commissioner Greco was absent from the meeting; however, Chairman Tichy reported that the committee did not meet.

NEW BUSINESS: Commissioner Phillipson requested a ruling as to whether the department can utilize monies from the Fisheries Habitat Account for public boat access.

Commissioner Baldwin reported that he was told that the Commission Minutes were the official record of the meeting. He was not clear on the process to amend the minutes and was inquiring as to the process. He was informed to make a motion at the beginning of the meeting when the minutes are being approved to address any concerns, clarifications, or errors.

OLD BUSINESS:

COMMISSIONERS REPORTS:
COMMISSIONER BALDWIN: Commissioner Baldwin had nothing to report at this time.

COMMISSIONER CARR: Commissioner Carr was absent.

COMMISSIONER GRECO: Commissioner Greco was absent.

COMMISSIONER PHILLIPSON: Commissioner Phillipson had nothing to report at this time.

COMMISSIONER MORSE: Commissioner Morse had nothing to report at this time.

COMMISSIONER RYAN: Commissioner Ryan had nothing to report at this time.

COMMISSIONER PATCH: Commissioner Patch was absent.

COMMISSIONER MCGONAGLE: Commissioner McGonagle had nothing to report.

COMMISSIONER CLEWS: Commissioner Clews had nothing to report at this time.
COMMISSIONER HUBERT: Commissioner Hubert had nothing to report at this time.

COMMISSIONER TICHY: Commissioner Tichy had nothing to report at this time.

DIRECTOR'S REPORT:
Director Normandeau reported that he attended the Joint Task Force Meeting in South Carolina. He reported that Federal PR (Pitman Robertson) tax receipts are on the way back to normal.

He further reported the budget was finally complete and the department seems to be okay on the revenue side.

In addition, he reported that some safety measures were implemented the last few days of pheasant stocking, i.e., the start time to hunt, as to avoid any further accidents/incidents, and to protect the staff’s safety while pheasant stocking.

In closing, he reported that the department was working on the proposed bobcat season proposal and would be bringing it before the Commission at the December 9, 2015 Commission Meeting.

CALL TO THE PUBLIC:
Linda Dionne, audience member, inquired whether the bobcat proposal would come before the Commission in December.

Director Normandeau responded, “Yes, then it will go to public hearing, possibly 2 hearings held around the State.”

Evan Mulholland, Legislative Coordinator, reported that there was a hearing on license fees at JLCAR on Thursday, November 19, 2015, at 10:20 a.m.

Chairman Tichy reminded everyone that the Biennial Hearings would take place on December 9, 2015, at 6:30 p.m., at Fish & Game HQ, 11 Hazen Drive, Concord, NH, in the west conference room, and December 17, 2015, at the Region 1 Fish & Game Office, 629B Main Street, Lancaster, NH, at 6:30 p.m.

At this time, 3:55 p.m., Commissioner Morse moved to adjourn and Commissioner Ryan seconded. The vote was unanimous in the affirmative.

Respectfully submitted,

James Ryan, Secretary

Approved: ____________________________
Ted Tichy, Chairman