

January 24, 2017

Honorable Kevin Avard
Chair, Energy and Natural Resources Committee
State House Room 103
Concord, NH 03301

SB 48, establishing a commission to study changes to the fish and game commission and department

Dear Senator Avard and members of the Committee:

Thank you for this opportunity to support SB 48, and to offer the Committee some specific changes that we feel will strengthen the legislation, and ultimately, the outcome of the proposed study commission.

As members of the New Hampshire conservation community, our organizations highly value the Fish and Game Department's important mission to steward the State's fish, wildlife, and marine resources. These resources are held in the public trust on behalf of all New Hampshire citizens, and the work of the Department is instrumental in protecting and managing these resources.

Our organizations also value the strong partnerships that we --- collectively and individually --- have established with the Department to accomplish a variety of mutual goals in natural resource conservation and recreation, including hunting and fishing, training and outreach activities, research and monitoring projects, and passive and motorized recreation management. We also depend on the expertise of the Department in our own work. As just one example, the Wildlife Action Plan is an indispensable tool for setting our land conservation priorities.

The Department must be appropriately funded and structured to adequately keep pace with the challenges of stewarding the State's wildlife resources, managing public wildlife conservation lands and recreational access to them and to public waters, conducting research and monitoring efforts, providing public education and outreach, leading search and rescue operations, enforcing Fish and Game laws and regulations (including Off Highway Recreational Vehicle laws and rules), and other associated activities. The Legislature has an obligation to ensure that the Department has adequate funds and the necessary structure to successfully accomplish these tasks in fulfillment of the Department's mission.

As the Department's mission has expanded over time, so has our concern with what we see as chronic under-funding of the Department, compromising its ability to carry out its varied responsibilities. We believe this situation is now at a tipping point. Sales of hunting and fishing licenses, combined with federal funding programs, may have once provided sufficient revenues to support the Department's annual operating expenses. But over the last decade, the combination of declining license sales, uneven federal funding, and increased statutory responsibilities have led to a structural deficit that is a significant barrier to meeting the Department's mission. To address this deficit, the Department has increased fees and looked to the general fund. Even with these changes, the Department's short and long-term finances are not secure.

In addition to the financial challenges, we believe that the governance of the Department is not structured in a way that builds effective stakeholder engagement, leads to constructive policy engagement, or provides the Department's professional leadership adequate decision-making authority. Because of the need to fully address both the financial and governance issues of the Department, we support the Commission envisioned by SB 48, which would provide an appropriate forum for all

stakeholders to come together and discuss the reforms needed to support the mission of the agency and secure its financial stability.

The 2008 Legislative Budget Assistant's performance audit of the Department should serve as the starting point for efforts to strengthen and sustain the Department for the long-term. The purpose of the audit was to determine the efficiency and effectiveness of the Department's operations. The audit's fundamental finding was that over time the Department has evolved from an agency primarily responsible for fish, game, and fur-bearing animals to one that is responsible for all wildlife, as well as public boat access, search and rescue, and enforcement of laws governing off-highway recreational vehicles (OHRV) and snowmobiles. However, the audit noted that the needs and perspectives of the expanded constituency the Department now serves have not been well integrated into the Department's policy decisions. The audit also noted the structural deficit, caused in part by the failure of income from license sales to keep pace with the cost of doing the Department's business.

Through the work of a study commission, we envision a collaborative approach that would result in specific proposals that 1) strengthen and sustain the capacity for the Department to fulfill its public trust obligations; 2) broaden the public's engagement in the work of the Department; and 3) encourage stakeholders to more directly participate in the Department's decision-making process.

While we support SB 48, we suggest an amendment that would:

- Rewrite the purpose statement and section V of the bill to better reflect the value of the agency and its work to the State of New Hampshire.
- Reduce the Senate membership on the Commission from 2 members to one.
- Specify that one of the 3 House members should come from the House Finance Committee, along with one from the Fish and Game Committee.
- Add 2 members representing recreational interests, including one representing either OHRV or snowmobile interests.
- Change the report date to 11/1/2017 rather than fall of 2018.

Our organizations are ready and willing to assist the Committee and others in drafting amendment language. Again, thank you for this opportunity to support SB 48 and we look forward to working together to advance the mission of NHFG.

Sincerely,

Jim O'Brien
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The Nature Conservancy

Susan Arnold
VP for Conservation
Appalachian Mountain Club

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