



State of New Hampshire

GENERAL COURT

CONCORD

MEMORANDUM

DATE: November 13, 2018

TO: Honorable Chris Sununu, Governor
Honorable Chuck W. Morse, President of the Senate
Honorable Gene Chandler, Speaker of the House
Honorable Tammy L. Wright, Senate Clerk
Honorable Paul C. Smith, House Clerk
Michael York, State Librarian

FROM: Senator Kevin Avard, Chairman

SUBJECT: Final Report of the Commission to Study the Efficiency and Effectiveness of Fish and Game Department Operations (SB 48, Chapter 5:2, Laws of 2018)

Pursuant to SB 48, Chapter 5:2, Laws of 2018, enclosed please find the final report of the Commission to Study the Efficiency and Effectiveness of Fish and Game Department operations.

Should you have any questions or comments regarding this report, please do not hesitate to contact me.

I would like to thank those members of the commission who were instrumental in this study. I would also like to acknowledge all those who testified before the committee and assisted the committee in our study.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Avard".

Senator Kevin Avard, Chairman

Commission to Study the Efficiency and Effectiveness of Fish and Game Department Operations SB 48, Chapter 5:2, Laws of 2018

FINAL REPORT November 1, 2018

Senator Kevin Avard, Chairman
Rep. Jeff Goley
Rep. Robert Theberge
Rep. Douglas Long
Robert Phillipson
Jim Morse
Simon Thomson
Matt Leahy
William Carney
Glenn Normandeau
Rick Van de Poll
Rick Estes

Introduction

The Commission to Study the Efficiency and Effectiveness of Fish and Game Department Operations met for the first time on July 24, 2018 and concluded its work on October 30, 2018. During this study period, the commission focused our discussions on the budget conditions and staff capacity constraints of the Fish and Game Department. These discussions made clear the mission and duties of the Department have greatly expanded since its founding back in 1880. They now include:

- Management of Fish and Game properties, including 76,751 acres of wildlife management areas and conservation easements
- Protection of the state's game and nongame wildlife resources and their habitats.
- Enforcement of all laws and rules governing Off Highway Recreational Vehicle (OHRV) use, in addition to all laws and rules governing fish, wildlife, and marine resources.
- Hosting of a wide range of education programs and training workshops.
- Oversight of both marine and inland fisheries.
- Leading search and rescue operations.

These tasks represent a major expansion of duties since the Legislature established what was then called the Fisheries Commission in order to restore migratory sea fish. The Commission has learned the funding needed to support the Department's budget has not kept pace with the cost of the services it provides. The Study Commission members believe the constant budget shortfalls have compromised the Department's ability to carry out those important responsibilities. This situation is best illustrated by the understaffing of the Conservation Officer position and the difficulty the Department has in recruiting candidates for that job.

Addressing the problems Fish and Game has in carrying out its duties should be a priority for the State. The quality of life and economic vitality we enjoy is dependent in part on the proper management and stewardship of the natural resources here. The Department plays a direct role in the conservation and protection of these resources. This work results in broad benefits to all the citizens of New Hampshire through increased economic growth, including all types of outdoor recreation activities, and the long-term protection of our valued open spaces. Therefore, the Study Commission believes steps must be taken in the near future to correct the budget issues which are constraining the New Hampshire of Fish and Game Department's capacity to meet its mission responsibilities.

Included in this report are specific suggested proposals members of the Study Commission have recommended for consideration.

Charge of Commission

V. The commission shall make recommendations to improve the management and long-term financial health of the fish and game department, the department's name, new revenue sources, and other organizational and structural improvements that will better enable the department to carry out its statutory responsibilities. In developing recommendations, the commission shall:

- (a) Review the findings of the 2008 legislative budget assistant's performance audit of the fish and game department.
- (b) Solicit input from the fish and game department, the fish and game commission, and the public.
- (c) Review governance structures and long-term funding mechanisms of other states' wildlife agencies.
- (d) Review additional reports and studies it deems appropriate to its purpose.

Meeting Summaries

Monday, July 16, 2018 Organizational Meeting

The Commission met and appointed Senator Avard as the Chair and Simon Thomson as the Clerk. They discussed the charge of the Commission and discussed the findings of a similar commission from 2008 and the resulting recommendation that came from that study. Also discussed were the cost of Search and Rescue efforts, retiree benefits and decline in hunting and fishing licenses. It was decided that the Fish and Game Department would give a presentation at their next meeting.

Tuesday, July 24, 2018

Glenn Normandeau presented to the committee an overview of the Fish and Game Department (F&G). He focused on the various funding sources the Fish & Game gets as well as some of the issues facing the department presently. The topic of unfunded position versus vacant position within the department was discussed.

Friday, August 3, 2018

Senator Avard planned for this meeting to be a brainstorming session on the issue the Commission would like to address going forward. The 2008 audit report and its findings was mentioned as were additional source of funding for Fish & Game such as the State's Meals and Rooms tax. It was recommended that Col. Jordon from Fish & Game come and address the Commission on the topic of Search and Rescue cost.

Friday, August 10, 2018

Col. Jordon presented to the Commission on the Search and Rescue aspect of the Fish & Game Department. He focused on the cost incurred and answered questions.

Tuesday, August 21, 2018

The Commission focused this meeting on the findings from the 2008 audit of Fish & Game done by LBA. Specifically there were 5 recommendations in the report that were discussed. Additionally, the Commission took public comment. There were three members of the public who addressed the Commission.

Tuesday, September 4, 2018

The Commission approved a draft letter from the Commission to the New Hampshire Federal Delegation in which they ask for their assistance in reaching out to the White Mountain National Forest regarding providing financial assistance for search and rescue missions that occur on WMNF property. They also discussed outstanding items that need follow up for the final report.

Tuesday, September 18, 2018

At this meeting the Commission heard presentation from State Department of Revenue Administration and the New Hampshire Retirement System.

Tuesday, October 2, 2018

Commissioner of the Department of Administrative Services, Charlie Arlinghaus appeared before the Commission to discuss retiree benefits and whether or not they could be funded out of the General fund. The Commission also heard from Susan Arnold from the Appalachian Mountain Club regarding the amount of Meal and Rooms tax they pay to the State. Additionally, the Commission also heard from Chris Gamache from the Trails Bureau. Senator Avard asked that each Commissioner provide a list of recommendations for the final report.

Tuesday, October 30, 2018

The Commission heard from two members of the public who were members of the New Hampshire ATV Club regarding their recommendations for a full time enforcement team of Conservation officers. The Commission then discussed the final report. It was decided that all recommendations presented would be part of the final report. The one topic that was voted on in the meeting was whether or not to include the subject of governance in the final report. Rep. Goley moved that the present governance of the NHF&G department not to be changed. The Commission voted 10-1 with one person abstaining to not include governance in the final report. The Commission then took a vote to conditionally approve the final report once it is drafted. The vote was 10-0 with two members abstaining.

Recommendations

- Recommend that this Commission request and recommend that legislation be filed to establish a Legislative Investigative Study Committee comprised of both House and

Senate members to address why A.M.C. is currently exempt from paying the 9 % meal tax for the dinner and breakfast meals being served in their hiking huts in New Hampshire. This 9% tax should not be assigned to the general fund for tax purposes, but to support the Fish and Game Departments yearly underfunded search and rescue account. Thus freeing up funds in the Departments budget that are usually put aside for Search Rescue purpose.

- Fish and Game law enforcement should be reimbursed for all the time and labor spent by Conservation Officers when they are on patrol working in the White Mountain National Forest. This is a part of their assigned daily law enforcement patrol routine just the same as other law enforcement units and personal from local police departments of political sub-divisions and Sheriff's Departments are being reimbursed for their time spent while working patrols on the roads and lands in the White Mountain National Forest.
- The President of The Senate, Speaker of the House and The Governors all working together as a single cohesive unit should appoint a special state Committee personally representing the fore mentioned New Hampshire Political Officers to work with our Federal Senators and Federal Representatives. These federally elected officials should then form a working group with all four working closely together as one unit to contact the Department of Agriculture not the Forest Service officials about having this non-payment of 47% of the state's yearly Search and Rescue budget being expended yearly when working with in the W.M.N.F. without any financial support or compensation coming from the Forest Service year after year. Funding support for all these yearly non-payments of any annual search and rescue expenses are being absorbed yearly by New Hampshire Fish and Game Department. The state of New Hampshire needs cooperative support from our four Federally elected officials and The Department of Agriculture to have a budget item written into the White Mountain National Forest annual budget to correct this search and rescue non-payment policy. It is estimated that all these annual cost could come close to \$150,000 annually and needs to be addressed now.
- New Hampshire cannot preserve enough land and water and shore front habitat today to satisfy the demands and future use for the states citizens. The Fisheries Habitat Fee of one dollar that is required for all fresh water fishing licenses under R.S.A 214:1-g also be required for salt water fishing licenses that are now exempt from this R.S.A. Legislation should be recommended by this Commission to add the Fisheries Habit fee to the salt water fishing licenses.
- It is time for the State of New Hampshire to realize what outdoor recreation means to the quality of life and the economy of this state. Therefore, the state must fund the infrastructure which facilitates the future of the resource, provides for the public's safety while recreating and is charged with being the "...steward of fish, wildlife, and marine resources of the state...".
- Allow the department to have a hearings officer to process violations. We heard from the department that this change would allow them to keep a larger percentage of the fines collected instead of giving it to the courts. It would also lessen the burden on our court system. This is already being done at the Department of Safety with success.
- Require all boats that use public launches to pay into the boat access and maintenance fund. The department maintains many car top access sites that are only accessible to canoes and kayaks. Currently the maintenance of these facilities is paid for by a fee assessed only to motor boat owners when they register. While some continue to call this a tax, I think a September 2015 Union Leader editorial summed it up best with this quote "But motor boaters already pay a fee, just as hunters and fishermen do. The so-called "canoe tax" just treated all boaters equally rather than leaving a loophole that exempts some."

- Require 50% of all rooms and meals tax that AMC collects be deposited into the search and rescue fund. This would put approximately \$250,000 into the fund annually.
- Recruitment and retention of Sportsmen and sportswomen. There needs to be a long term goal on what can be done to increase license sales. The Becoming an Outdoor Woman program is a big success, but I have been told there is not enough space to accommodate all that apply. We need to look at what can be done to increase the number of spaces available per year to accommodate all who want to attend. We also need to do more on promoting the apprentice hunting license.
- Provide a dedicated increase of 1/8th of one percent to the Rooms and Meals tax – this concept was floated a number of times in front of the Study Commission and yet never received any final traction. I seem to recall that you called this a “non-starter,” yet most of the Study Commission members, as well as Colonel Jordan, felt that this was the most logical and viable option for addressing the service-delivery model of funding that is sorely needed by the department. In short, the people who are most likely to benefit from the services of the department are those that come up to visit and spend money. This of course includes a large number of southern New Hampshire residents who also benefit from Fish & Game services in their part of the state. This recommendation proposes an insignificant increase in taxes among a sector of the public that is the most able to pay for the services they are most likely to require.
- Create a voluntary boat decal registration for non-power boats – the construction and maintenance of car-top carry boat ramps are currently unfunded by anyone other than Fish & Game, and yet thousands of people use them every year. Why should motor boat owners carry the burden for all state ramps when they can only use motorized ones? Over two dozen states have mandatory non-power boat registrations that pay for proper policing, access, and rescue efforts. Isn't it high we time we covered the gap in this 'unfunded mandate' for the Fish & Game Department?
- Create a “Wildlife Conservation Stamp” – this idea has been proposed in other states where consumptive user revenues have been declining as well (e.g. Montana's wolf conservation stamp). This voluntary stamp would provide a new revenue stream that could be allocated directly for research, education, conservation, and management activities. Specific to this proposal, which would be open to consumptive and non-consumptive users alike, would be the support of conservation officers that are currently suffering from lack of funding through normal dedicated Fish & Game funds. Based on surveys of user types in New Hampshire and elsewhere, this fund could easily surpass the Hike Safe card revenues and provide a mechanism for promoting participation by the under-represented non-consumptive wildlife users in the state. I believe that once this program was established and well-known, the administrative costs would be a small percentage of the revenue stream that might run in the hundreds of thousands of dollars.
- Increase the General Fund contribution to the Fish and Game Department's operating budget by \$1 million in the next biennium.
- Turn the adjudication of OHRV violations into an administrative process overseen by the Fish and Game Department. It was my understanding this step would likely require amending its governing statute and the need to undertake a rule-making to establish this process.
- If recommendation #1 is determined to not be viable, increase General Funding specifically devoted to OHRV management and enforcement. During his presentation, Col. Jordan mentioned his intention or hope the Department could establish a team of 5-6 Conservation Officers exclusively dedicated to the enforcement of OHRV rules and regulations. Estimating the cost for each Conservation Officers position to be approximately \$100,000, the total additional need for the Department would be \$600,000.
- Increase the promotion/marketing of the Hike Safe Card. The Department should actually consider rebranding the card in order to increase the number of people who purchase it. While the card has been successful in bringing in additional revenue for the Department, there seems to be many hikers and others who participate in some kind of outdoor recreation activity who do not buy them. Such a rebranding/remarketing effort may increase awareness by outdoor

recreationists of the cost to build/maintain the trail system but more importantly of the role Fish & Game plays in maintaining and protecting the natural resources in New Hampshire.

- Ask that the State of New Hampshire through general funds pay the retirement benefits of the Fish & Game Conservation officers.
- Create a boat safe card similar to the hike safe card.
- To that end, a voluntary decal program for non-motorized boat users with funds going to the boat access and maintenance fund.
- Retention of Sportsmen and Sportswomen by having the Fish & Game Department proactively sending out reminders to past licensees to purchase their licenses for the upcoming season.
- Continue pressure at the Federal level to have them provide support for search and rescue efforts while on federally owned land.
- Sandy Point: Fish & Game funds Sandy Point and it is a large financial number, this used to be shared funding a while back. Moving this into any state agency will not cost us federal funding from what I have learned.
- Game Division Non Game Division: A lot of administration in these departments can some of the administration be done by one division? Can we cut them down on some of the jobs?
- Volunteers: We use volunteers for a few programs and it works well. Why not bring this into the Deer, Bear and Hatchery programs. No money cost for volunteers but can get funding match for this work.
- Review Facility Maintenance: How many buildings does the state own and not use that we are maintaining, could we cut down on maintenance if we took down these buildings?
- Why does Fish & Game Wardens deal with skunk, Raccoon and other animal issues when Fish & Game has licensed Wildlife control people who have taken the course and trying to do this for a living, and how much are we spending on non-game (owls, hawks, loons, eagles, snakes, etc.) Transportation and dealing with and moving these animals.
- Ways to relieve some of the financial burden on Fish & Game
 - Law and Enforcement writing summons and housing that within the department with a little help from legislation to give Fish & Game the ability to suspend driver's license if not paid.
 - Move Search and Rescue to General Fund and have Feds pay their fair share.
 - Office of Information Technology needs to be justified and Fish & Game pays their vendor this already, are we paying double for this. This is an overpay for the service that Fish & Game is getting.
- Create some pay to fish ponds at the hatcheries. Allow people to take fish home and pay per pound.
- Create some catch and release areas with brood stock fish for an additional fee only open for catch and release. Large Fish Trophy zone.
- Have wildlife viewing areas for moose eagles and other animal attractions that would draw interest to pay to view. We collar several young moose every year only to find the tic mortality does them in, why not collar them treat them in a viewing area and try to cure our tic issue.
- Have Fish & Game let other vendors for a slight commission sell their products at their locations.
- Do promotions with the several of the shared groups like BOW, WILDLIFE HERITAGE FOUNDATION, NORTH WOODS LAW.
- Most important Fish & Game has to promote them and be proactive to the general public, and sportsmen and women.
- Reclassify "Criminal Offenses" below misdemeanor to "Administrative Offenses" on all snowmobile and ATV rules. This would allow the Department to retain the fines.
- Close the Region 2 office. According to the Director's testimony on 9/18 closing this office would save between SOK and 60K per year in utility costs. This is enough to fund a CO position for 6 months. It may also be possible to rent this building to another entity.

- Have CO's also be the "Field Biologists". This is done in other states such as Colorado, Idaho, and possibly Pennsylvania. A lot of the CO's have a wildlife degree already and this change would allow the Department to apply for federal money for their work that is not law enforcement related.
- Have the "Canoe and Kayak Permit" be the first choice for additional funding as this group is currently using resources free of charge. In a perfect world the Department would be compensated by the state by the General Fund or a percentage of the Rent and Meals tax, as these activities greatly affect the tourism economy. It does not appear that this is an option so I would recommend that a decal be purchased from Fish & Game for all canoes and kayaks. This would be a mandatory registration, the same as motorized boat registrations and hunting and fishing licenses. I realize that this has been attempted before without success however recent feedback received on this subject seems to indicate a much greater acceptance to this idea than there has been in the past.
- Fish and Game and Marine Resources should be receiving a percentage from the rooms and meals tax.
- Fish and Game should be receiving revenues from non consumption users, residents and non-residents.
- General funds should be going to Fish and Game. If not, search and rescue needs to be moved to another department.
- Retirement needs to be moved into the state system and out of Fish and Game.

Respectfully submitted,

Senator Kevin Avar
Chairman, Senate District 12

Representative Jeffrey Goley
Hillsborough - District 9

Representative Robert Theberge
Coos - District 3

Representative Douglas Long
Merrimack - District 4
House Fish and Game and Marine Resources

Glenn Normandeau
NH Fish and Game Department

Robert Phillipson
Fish and Game Commission

Jim Morse
Hunting, Fishing, Trapping

Matthew Leahy
Forest Society

Rick Estes
NH Guides' Association

Rick Van de Poll
Recreational Interests

Simon Thomson
Agricultural Interests

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General Public