



March 12, 2015

Representative Karen Umberger  
House Finance, Division II  
State House, Room 213  
Concord, NH 03301

Dear Representative Umberger and members of the Division:

Thank you for this opportunity to provide comment on the provisions contained in HB 2 that apply to the Department of Fish and Game.

Our organizations have been working with the Fish and Game Department and the Legislature over the past years to better understand the Department's self-identified \$3-4 million per year budget deficit. Fish and Game is a very important agency which is responsible for the protection and management of the state's wildlife resources, search and rescue, law enforcement and other associated activities. A sustainably managed and financed Department is essential to accomplishing this mission.

We support several of the provisions contained in the Governor's budget that help support the Department financially, including general fund appropriations, the ability for the Department to manage fees, and the overdue establishment of an environmental review fee for certain projects that impact the state's wildlife resources. However, we have concerns that the language of HB2 does not adequately address the need for governance and management changes to the Department that were identified in an Legislative Budget Assistant's performance audit of the Department published in 2008. The audit can be found at this link:

[http://www.wildlife.state.nh.us/Inside\\_FandG/Inside\\_FandG\\_PDFs/Perf\\_Audit\\_FG\\_2007.pdf](http://www.wildlife.state.nh.us/Inside_FandG/Inside_FandG_PDFs/Perf_Audit_FG_2007.pdf)

This audit recommended that:

*"the Legislature consider establishing the Commission as an advisory body by removing responsibilities for policy setting, approving financial transactions and proposed rules, and Department planning from statute. The Legislature may wish to consider clearly establishing the advisory body's role as a liaison between the Department and its constituents, including obtaining public input, and building support for the Department's programs (page 32.)"*

If general funds are to be appropriated, the structure of the Department should be more in line with, and as accountable to the Legislature as other state agencies that receive general funds to support operations.

We feel that a policy solution for Fish and Game needs to include the following elements:

**1. The ability for the Department to set their own fees outside the legislative process.** If the Department is to maximize its revenue potential, it needs the ability to set fees for hunting and fishing licenses. Other agencies such as the Division of Parks and Recreation have such authority.

As introduced, HB 2 would give all authority over fee changes to the Fish and Game Commission. We feel that this change would not strike the correct balance between the Executive Agency and the legislature as it does not provide any check on the agency, or the rate of fee increases that the public would be subject to.

We propose that the Division consider amending the language by using a modified version of the model that the State Park System uses to set fees. In the case of the Park System, the legislature provides some guidance and criteria in statute for setting fees, and then Parks brings any fee proposal to the fiscal committee for approval and quick implementation. We feel that this model can be effective for the Fish and Game Department as well.

The language of RSA 216-A:3-g can be used as a model:

*The commissioner of the department of resources and economic development, in consultation with the director of parks and recreation, shall establish fees for access to and use of the state park system. The fees approved by the commissioner, after prior approval of the fiscal committee, shall not be subject to the provisions of RSA 541-A, so as to provide the department with the ability to maximize revenues and to adjust fees according to market conditions and trends as is the common practice in private industry. Any change to the fees for access to or use of the state park system proposed by the commissioner shall take effect no later than 60 days after such change is proposed, unless the fee change is denied by the fiscal committee of the general court.*

**2. The Department needs additional revenue to be solvent, and at this time that revenue should come from the general fund.** Our organizations support the Governor's appropriation from the general fund to support the Department. While a number of funding options have been identified over the past few years, most would not come close to closing the budget gap, and none have gained sufficient traction to become legitimate solutions to the immediate problem facing the agency. At this time, a general fund appropriation is the only reasonable option for the Department's immediate budget woes. Whether \$750,000 annually fully addresses the current need of the Department is debatable, but we believe that without it, the important resources Fish and Game manages on behalf of the state are at risk.

**3. If general funds are appropriated, reforms to the Department's governance are needed.** Many believe that the Fish and Game Commission, which is responsible for "... the overall management of the fish and game department " does not adequately represent the scale and scope of the work that the Department engages in. By statute, the Commission is comprised of representatives from the hunting and fishing communities, but the Department's activities go far beyond those constituencies and include many stakeholders not represented by the Commission. Again, the LBA performance audit recognized this fact, and in the report's conclusion stated:

*In 1935, the F&G's powers and duties included protecting, propagating, and preserving fish, game, and fur-bearing animals. Legislative mandates since 1935 have broadened the F&G focus to include responsibility for all wildlife, as well as public boat access, search and rescue, and off highway recreational vehicles and snowmobiles. However, the Commission continues to primarily represent hunter and angler interests. The Department's traditional constituents declined in the 1990s; other groups, outnumbering hunters and anglers by almost three to one, continue to benefit from Department efforts while often not directly contributing through user fees. **F&G management reported hunting and fishing activities will likely continue to decrease while other outdoor activities will increase in popularity due to lifestyle changes, demographics, and declining access to favorite hunting and fishing spots.***

As identified in the audit, hunting and fishing license revenue continues to decrease. While temporarily increasing fees may be a short term approach, all indications – including the report of the Sustainability Commission established by the Legislature to look into funding matters for the Department - are that relying on increased fees on the Department's traditional constituency is not a sustainable path forward.

A new funding model for the Department needs to be identified which may include general funds, new fees on non-hunting and angler communities, or other solutions not yet identified. To build this framework, our organizations believe that the Legislature should require a change in governance at Fish & Game as a pre-requisite for general funding of its operations. The Fish & Game Commission should remain as an advisory body on fishing and game issues, but the Executive Director should be clearly established in law as the chief executive officer of the agency --- as other agency commissioner positions are established.

We appreciate your time and attention to this important matter, and our organizations are committed to working with the Division, the entire Finance Committee, the full House and Senate, as well as the Department to develop a proposal that delivers a sustainable funding model and essential reforms to this critical state agency.

Sincerely,

Will Abbott, Society for the Protection of New Hampshire Forests  
Susan Arnold, Appalachian Mountain Club  
Jim O'Brien, The Nature Conservancy  
Tom O'Brien, New Hampshire Lakes Association