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New Hampshire Fish and Game Department

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March 21, 2013

Her Excellency, Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department (NHFG) to acquire fee title to 0.4 acres with a small seasonal camp in Stratham, New Hampshire from Scott T. Harmon and Jonathon R. Knight of Dover, NH for \$85,000, effective upon Governor and Council approval through June 30, 2013. Funding is 100% Federal. Wildlife Habitat Funds.

Funding for this project is available as follows:

<u>03 75 75 751520-2155 Wildlife Program – Wildlife Habitat Conservation</u>		
020-07500-21550000-305-500845	Habitat Acquisition and Management	<u>FY2013</u> \$85,000

EXPLANATION

NHFG proposes to purchase a 0.4 acre parcel with a small seasonal camp in Stratham that is an in-holding in the existing Great Bay National Estuarine Research Reserve Wildlife Management Area. This property contains extensive areas of habitat identified as Highest Ranking Habitat in New Hampshire by Ecological Condition in the NH Wildlife Action Plan and has undeveloped frontage on the Squamscott River. The purchase of this property will ensure that it is not further developed causing additional impacts to water quality, fisheries and wildlife habitat. The purchase price for the property is \$85,000.

Funding for this project would be provided by the U.S. Fish and Wildlife Service's Sport Fish Restoration Program. The Fish and Game Department will use the value of six donated salt-marsh parcels in Stratham and Greenland as match to the federal funds. The Fish and Game Commission approved this expenditure at it March 13, 2013 meeting.

Respectfully submitted,

Glenn Normandeau
Executive Director

Kathy Ann LaBonte
Chief, Business Division

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: April 1, 2013

FROM: Evan J. Mulholland
Assistant Attorney General

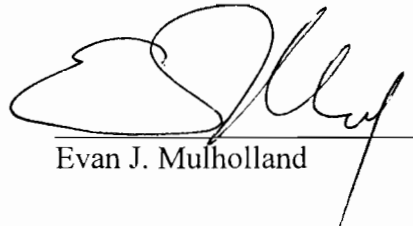
AT (OFFICE) Department of Justice
Environmental Protection Bureau

SUBJECT: Harmon & Knight camp

TO: Richard Cook, Land Agent
Fish & Game Department

I have reviewed and I approve for form and substance the deed to the State from Scott Harmon and Jonathon Knight for 0.4 acres of developed land in Stratham.

I will approve the deed for execution once it is signed.



Evan J. Mulholland

DRAFT

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS that SCOTT T. HARMON, and JONATHAN R. KNIGHT, residing at 15 Laurel Lane, Town of Somersworth, County of Strafford, State of New Hampshire, 03878 (GRANTOR), for consideration paid, grants to THE STATE OF NEW HAMPSHIRE acting by and through its FISH AND GAME DEPARTMENT, with an address of 11 Hazen Drive, City of Concord, County of Merrimack, State of New Hampshire, 03301 (the STATE) the following:

A certain tract of land, with buildings thereon, situated in Stratham, County of Rockingham, State of New Hampshire, on the easterly side of the Exeter River, bounded and described as follows:

Beginning at a stake and stones set in the ground at the southeasterly corner of the following described parcel of land; thence running in a northerly direction eighty (80) feet, more or less, by land now or formerly of Ada M. Dunton to a stake and stones set in the ground; thence turning an angle and running in a westerly direction one hundred and sixty-six (166) feet, more or less, by land now or formerly of said Ada M. Dunton to a stake set in the ground; thence turning at an angle and running in a southwesterly direction by land now or formerly of said Ada M. Dunton a distance of fifty-six (56) feet, more or less, to a stake set in the ground; thence running at an angle and running in a westerly direction to said Exeter River; thence turning an angle and running in a southerly direction by said Exeter River to a stake and stones set in the ground; thence turning at an angle and running in an easterly direction by land now or formerly of said Ada M. Dunton to the point of beginning.

Together with the right-of-way to the above described premises, in the following manner: said right-of-way extends from Jason Drive along the easterly boundary of Lot # 42 on a Plan of Lots - Section 2 "Longview" Stratham, NH for Walter and Eleanor K. Biery, duly approved by the Stratham Planning Board on July 18, 1973, and recorded in the Rockingham County Registry of Deeds on September 7, 1973, until the same intersects a lane; thereafter, the right-of-way extends westerly along the said lane across other land now or formerly of MacDougall to a point where said right-of-way separates and from such point the right-of-way for access to the granted premises bears to the right to the granted premises with the right in the grantee, his heirs and assigns to maintain and improve said right-of-way over the premises of land now or formerly of MacDougall for passage by foot or vehicle to the granted premises.

Meaning and intending to convey the same premises conveyed to Scott T. Harmon and Jonathan R. Knight by warranty deed dated _____ and recorded in the Rockingham County Registry of Deeds _____ at Book _____, Page _____.

This property was acquired with funding received by the State through Grant Agreement To Be Determined (NH F-67-L-1) between the U.S. Fish and Wildlife Service (the Service) and the State of New Hampshire Fish and Game Department as grantee. All present and future uses of the protected property are and shall remain subject to the terms and conditions described in the Notice of Grant Agreement, attached hereto and recorded herewith in the Rockingham County Registry of Deeds, and to other administrative requirements of the applicable grant funding program of the Service.

GRANTORS

Scott T. Harmon

Jonathan R. Knight

STATE OF NEW HAMPSHIRE
COUNTY OF _____

I, hereby certify that Scott T. Harmon personally appeared before me on this _____ day of _____, 2013, (known to me or satisfactorily proven) to be the person described in the foregoing instrument and acknowledges that he executed the same in the capacity therein stated and for the purposes therein contained.

Notary Public/Justice of the Peace
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF _____

I, hereby certify that Jonathan R. Knight personally appeared before me on this _____ day of _____, 2013, (known to me or satisfactorily proven) to be the person described in the foregoing instrument and acknowledges that he executed the same in the capacity therein stated and for the purposes therein contained.

Notary Public/Justice of the Peace
My Commission Expires:

ACCEPTED: STATE OF NEW HAMPSHIRE, FISH & GAME DEPARTMENT

The State of New Hampshire, acting through its Fish and Game Department on this day ____ of _____, 2013.

Glenn Normandeau, Executive Director

STATE OF NEW HAMPSHIRE,
COUNTY OF _____

Personally appeared before me on this _____ day of _____, 2013, Glenn Normandeau, who acknowledges himself to be the Executive Director for the New Hampshire Fish and Game Department, and as such is duly authorized to executed the foregoing instrument for the purposes therein contained, by signing his name on behalf of the State of New Hampshire.

Notary Public/Justice of the Peace
My Commission Expires:

Approved by the Governor and Executive Council: Date: _____ Item #: _____

Approved as to form, substance, and execution on this ____ day of _____, 2013.

Evan Mulholland
Assistant Attorney General

DRAFT

Notice of Grant Agreement

The State of New Hampshire, Fish and Game Department and its successors and assigns (hereinafter "DEPARTMENT") acknowledges that property described in the attached deed (hereinafter the PROPERTY) is acquired in part with federal funds received from the Sport Fish Restoration Program administered by the U.S. Fish and Wildlife Service, Division of Wildlife and Sport Fish Restoration and its successors and assigns (hereinafter "SERVICE") and that the Property is subject to all the terms and conditions of Grant Agreement Number To Be Determined (NH F-67-L-1) (hereinafter "GRANT AGREEMENT" between the Service and the Department). A copy of the Grant Agreement is kept on file at the offices of the Service, 300 Westgate Center Drive, Hadley, MA 01035-9589 and at the offices of the Department, 11 Hazen Drive, Concord, NH 03301.

The Department acknowledges that the Property, which is the subject of this Grant Agreement, is acquired for the approved purposes of permanent protection of lands which provide a buffer to protect sport fish habitat and the provision for public use and benefits from these resources. The Department further acknowledges that the Property will be administered for the long-term protection of these habitats and species dependent thereon. The Department, as the Grant Recipient hereby acknowledges that it is responsible for ensuring that the Property is used and will continue to be used for the approved purpose for which it is acquired and that the Property may not be conveyed or encumbered, in whole or in part, to any other party or for any other use, whatsoever, without the written consent of the Regional Director of the U.S. Fish and Wildlife Service.

If the Department loses control of the property, control must be fully restored to the Department or the property must be replaced, within three years, with like property of equal value at current market prices and equal benefits. Further, if the Property is used for activities that interfere with the accomplishment of the approved purpose, the violating activities shall cease and any resulting adverse effects shall be remedied

If the Department determines that the Property is no longer needed or useful for its original purpose and the Service concurs, the Department may, with the prior written consent of the Service, either (1) acquire a property or other interest in land of equal value that serves the same approved purpose as the original property and manage the newly acquired property or other interest in land for the same purposes specified in the original Grant Agreement, or (2) repay the Service, in cash, the proportionate federal share of funds invested in the original purchase price, or to repay the Service, in cash, the proportionate federal share of the current fair market value of the Property, or any portion thereof, whichever is higher, or (3) as a last resort, transfer the Property to the Service or to a third-party designated or approved by the Service.

The Department, as Grant Recipient hereby confirms its obligations and responsibilities with regards to the acquired property pursuant to terms and conditions associated with Grant Agreement To Be Determined (NH F-67-L-1).

ACCEPTED: STATE OF NEW HAMPSHIRE FISH AND GAME DEPARTMENT

By: _____
Glenn Normandeau, Executive Director

Date: _____, 2013

THE STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK

Personally appeared Glenn Normandeau, Executive Director of the New Hampshire Fish and Game Department, this _____ day of _____, 2013, and being duly authorized acknowledged the foregoing on behalf of the State of New Hampshire.

Before me: _____
Justice of Peace/Notary Public
My Commission Expires: _____

NEW HAMPSHIRE FISH AND GAME DEPARTMENT

MARCH 13, 2013 COMMISSION MEETING

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

Commissioners Present: J. McGonagle, E. Orff, J. McGonagle, D. Patch, T. Hubert, R. Blake, W. Morse, F. Clews, R. Phillipson and S. Guaraldi.

Commissioners absent/excused: T. Tichy

Executive Director Normandeau - Present

Chairman Hubert called the meeting to order at 1:04 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 Ryan moved to approve the February 20, 2013 Commission Minutes with a clarification under public comment and Commissioner Morse seconded. The vote was unanimous in the affirmative.
- 2.) Commissioner Orff moved to accept a \$25.00 donation from Mrs. Scribner in memory of Richard DeBois, to be deposited into the Search & Rescue Account, and Commissioner Guaraldi seconded. The vote was unanimous in the affirmative.

LATE ITEM: (Was heard out of sequence)

- 1.) Commissioner Phillipson moved to accept a \$3,500 donation from the Sanford and Doris Slavin Foundation, Inc., to support the 47th North American Moose Conference being hosted by the New Hampshire Fish & Game Department this spring and Commissioner Blake seconded. The vote was unanimous in the affirmative. Kristine Rines, Moose Project Leader, announced that the conference would be held May 20, 2013 – May 24, 2013, at the Mountain View Grand, Whitefield, New Hampshire. Commissioner Phillipson seconded. The vote was unanimous in the affirmative.
- 3.) Corey Riley, Great Bay Natural Estuary Research Reserve Program Manager, NH Fish & Game Department, came before the Commission requesting to expend \$110,200 from the Wildlife Habitat Account to acquire property in Stratham, New Hampshire, subject to these funds being fully reimbursed through the Federal Aid in Sport Fish Restoration Program.

Corey reported that the department entered into a purchase and sales agreement on February 13, 2013, to acquire a 0.4 acre lot with a seasonal camp in Stratham (the Harmon parcel) that is an in-holding in the Great Bay National Estuarine Research Reserve WMA - Squamscott River Project Area. This is surrounded on three sides by Fish & Game property. The fourth side is an extensive area of saltmarsh associated with the Squamscott River. The access to this lot is over a 1900 foot right-of-way across the WMA. The right-of-way is currently a woodland path passing through

valuable upland and wetland habitat. She reported that potential development of the Harmon property would adversely impact the conservation values of the land currently owned by NHFG and the important buffer it provides for water quality and fish habitat.

In closing, she reported that the department proposes to fund the acquisition through the Wildlife Habitat Account, as the Marine Division does not have an existing account with sufficient funds available and stated that the expenditure would be fully reimbursed with Federal Funds.

Commissioner Blake stated, "I took some time and visited and it's a great piece of property."

Commissioner Orff inquired whether the funds would go back into the Habitat Account and if so, when. Corey responded, "Yes, most likely in May or by the end of the fiscal year."

[REDACTED] remove the [REDACTED] from the Wildlife Account, [REDACTED] funds have been [REDACTED] and the In-Sport Fish Restoration Program as a [REDACTED]. [REDACTED] The [REDACTED] in the affirmative.

Corey thanked staff, including Charlie Bridges, Randy Curtis, Rich Cook and many other essential people for their valued assistance.

Commissioner Guaraldi thanked staff for e-mailing the request in advance so Commissioners could do research.

Corey offered to show the property to the Commissioners.

INFORMATION ITEMS:

- 1.) Kathy LaBonte, Chief, Business Division, provided the monthly financial statement. (See Attached) Kathy reported that the Saltwater License sales were down and was not certain as to the cause.
- 2.) Mark Ellingwood, Chief, Wildlife Division and Kristine Rines, Moose Project Leader, came before the Commission and provided an overview of the moose population and some recent concerns.

Kris announced that moose are in the news nationally due to declining populations in Minnesota and elsewhere in North America. New Hampshire's moose population indices indicate that our moose population is declining in both health and abundance. The Wildlife Division has been monitoring this decline for several years and shared their observations. Kris reported that the cause for the decline was due to declining weights in cows. A study conducted by graduate students revealed that the weight of the cow relates to reproduction and productivity. Cows need to reach a weight of 440 lbs in order to become pregnant, 550 lbs in order to be pregnant with twins.

In addition, Kris reported that there were other factors contributing to the decline, such as parasites, winter tick, and brainworm. She reported that environmental issues play a factor like heat stress, which causes immune system defects. She stated that shorter winters, arriving late and

leaving early, gives winter tick a huge boost. There could be 160,000 ticks on a moose, causing infections, hypothermia and calf mortality. With these ticks on them they use a great deal of energy, weights drop dramatically and they do not weigh enough to successfully reproduce. She reported that this was more prevalent up north.

In closing, she stated that the concern is for sustaining a healthy moose population, which means a reduction of permits issued when it comes to season setting.

Commissioner Ryan asked Kris what her recommendations were to address the issue. She responded that she would recommend reducing permits in north and central units, however, felt that it was too late to do so for the upcoming moose season and that it would be difficult logistically. She stated that the reduction would be done in a way to reduce and decline slowly. She stated that it was important to maintain the adult sex ratio of 40% bulls.

Buck Mercier, audience member & licensed guide, stated that he had noticed a big decline and felt that if reductions needed to be made that he did not see hunters objecting to taking the necessary measures to protect the resource.

Director Normandeau stated that in order to reduce the number of moose permits, the proposal would have to go through the rulemaking process as he does not have the authority to make those changes.

He further stated, "It is so close to the lottery that it could be problematic for us. If we thought this was the end of the population, we would certainly take the necessary measures to protect the resource."

Commissioner Phillipson inquired as to what the moose population was? Kris responded that the population was approximately 4,500 with 275 permits issued for this year's hunt.

The Chairman thanked the Wildlife Division for the update & presentation and for making them aware of the situation early on.

STANDING COMMITTEES:

POLICY COMMITTEE: Commissioner Orff, Chair; Commissioners: Guaraldi, McGonagle & Patch. Commissioner Orff reported that the committee did not meet.

LEGISLATIVE COMMITTEE: Commissioner Morse, Chair; Commissioners Tichy, Clews, and Patch. Commissioner Morse reported that the committee did not meet this month.

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

LAKES COMMITTEE: Commissioners Orff & Clews. Commissioner Orff reported that the committee did not meet.

AWARDS COMMITTEE: Commissioner Blake; Chair; Commissioners Phillipson and Tichy. Commissioner Blake reported that the committee received 11 Awards of Excellence nominations and would be meeting in the near future to review them.

HANDBOOK COMMITTEE: Commissioner Guaraldi. Commissioner Guaraldi reported that the committee did not meet.

CHANGING TIMES COMMITTEE: Commissioners McGonagle, Ryan, Blake, and Morse. Commissioner McGonagle had nothing to report.

WILDLIFE HERITAGE FOUNDATION: Commissioner Phillipson. Commissioner Phillipson reported that the Foundation was meeting quarterly and had nothing to report at this time.

NEW BUSINESS: Chairman Hubert stated that it would be very helpful if everyone could get out and be supportive of the budget as it relates to Fish & Game. He suggested talking with representatives and senators and to show support at local hearings, and encouraged letter writing

COMMISSIONERS REPORTS:

COMMISSIONER GUARALDI: Commissioner Guaraldi reported that she received questions regarding the over 68 Free License and calls relative to bobcats. She reported that she was still active and continuing with the loon & lead education project and the becoming an outdoor women programs.

COMMISSIONER BLAKE: Commissioner Blake reported that things were quiet. He reported that he referred legal calls to F&G Law Enforcement Division for addressing, calls regarding the abandoned boat at Adam's Point.

COMMISSIONER ORFF: Commissioner Orff reported that he attended the Basil Woods Banquet and received a few seasonal calls.

COMMISSIONER PHILLIPSON: Commissioner Phillipson reported he has heard comments relative to the lack of deer sightings over the winter and spring. He received a call with concerns that the online hunter education class did not prepare for the field day adequately enough as they did not feel ready.

COMMISSIONER MORSE: Commissioner Morse reported that he received calls relative to bear baiting and lead sikers.

COMMISSIONER RYAN: Commissioner Ryan reported that he received bear baiting calls.

COMMISSIONER PATCH: Commissioner Patch reported that he was still having discussions relative to the Search & Rescue funding issue. He reported that he received a few baiting calls.

COMMISSIONER MCGONAGLE: Commissioner McGonagle reported the he received calls relative to laws and had discussions relative to deer baiting, with the majority in favor of not baiting deer.

COMMISSIONER CLEWS: Commissioner Clews reported that he attended a meeting at the Urban Forestry Center in Portsmouth, NH, regarding winter flounder. He reported that he receive calls relative to the diving for lobster bills and regarding the decrease in cod fish.

COMMISSIONER TICHY: Commissioner Tichy was absent.

COMMISSIONER HUBERT: Commissioner Hubert reported that he attended the Sullivan County Sportsmen’s Meeting, received a few lead & loon calls. He announced that the club was looking for new guest speakers and the club met the new Conservation Officer in Sullivan County, Johnathan Deslile.

DIRECTOR’S REPORT: Director Normandeau reported that things have been busy with legislative items and the budget.

He reported that he met with the Fish & Wildlife Service in Denver to discuss the relationship with the Federal Government and State Government regarding species jurisdiction. He further reported that due to the sequestration the Fish & Wildlife Service saw immediate cuts, including no travel. He stated the cuts could affect our federal grant monies. He reported that we would see the numbers in April and how it would affect the Fish & Game Department.

CALL TO THE PUBLIC:

At this time, 2:45 p.m., Commissioner Orff moved to adjourn and Commissioner Guaraldi seconded. The vote was unanimous in the affirmative.

Respectfully submitted,

James Ryan, Secretary

Approved: _____
Tom Hubert, Chairman

Harmon, Stratham Location Map



