

## NEW HAMPSHIRE FISH AND GAME DEPARTMENT

### SEPTEMBER 20, 2017 COMMISSION MEETING

Meeting Location: Gunstock Mountain Resort, 719 Cherry Valley Road, Gilford, NH 03249.

Commissioners Present: T. Tichy, R. Phillipson, T. Baldwin, J. McGonagle, V. Greco T. Hubert, B. Carr & W. Morse.

Commissioners absent/excused: F. Clews, D. Patch & J. Ryan  
Executive Director Normandeau – Present

Chairman Tichy called the meeting to order at 1:00 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 Greco moved to approve the August 9, 2017 Commission Minutes as written, and Commissioner Carr 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 Phillipson 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 the donation of \$1,000 from Edward & Jane Willett, Manchester, NH, for assistance he received after becoming disoriented while hiking in Franconia, NH.

2b.) Commission accepted the donation of \$1.00, from Ken Sweeney, CT River Team Open, to be utilized by the Inland Fisheries Division.

3.) Mark Ellingwood, Chief, Wildlife Division & Kent Gustafson, Program Supervisor, came before the Commission requesting approval of donated firearms & seeking participation in the drawing of names of participants in the Deer Hunter Mail Survey, Small Game Hunter Survey, and the Ruffed Grouse Wing & Tail Survey.

Commissioner Morse moved to accept the below donated firearms and Commissioner McGonagle seconded. The vote was unanimous in the affirmative.

### **DONATED FIREARMS**

Woodman Arms Patriot .50 Caliber Muzzleloader – Woodman Arms of Freemont, NH.  
Ruger American Rifle – Sturm, Ruger & Company.  
Escort Supreme Semi-Auto 20 Gauge Shotgun – The Ruffed Grouse Society.  
Ruger American Rimfire Rifle – Sturm, Ruger & Company.

Random members of the Commission drew names for the following prizes:

### **Deer Hunter Mail Survey**

James Burroughs, Newport, NH - Woodman Arms Patriot .50 Caliber Muzzleloader  
Richard Sheppard, Wilton, NH - Ruger Hawkeye Rifle

### **Wing & Tail Survey**

Stuart Bronson, Contoocook, NH – Escort Supreme Semi-Auto 20 Gauge Shotgun

### **Small Game Hunter Survey**

Andrew Jones, Enfield, NH – Ruger American Rimfire Rifle

### **INFORMATION ITEMS:**

- 1.) Director Normandeau reviewed the monthly financial statements dated August 31, 2017 with the Commission.
- 2.) Director Normandeau introduced David Swenson, Chairman, New Durham Select board. He reported that Dave would be presenting the Merrymeeting Cyanobacteria Mitigation Committee's recommendations, whose goal is to develop a watershed plan to address the issues.

He further stated, "As I mentioned last month, I invited the committee to attend the September Commission Meeting to provide a presentation for the Commission. I recommend that we actively support this project. My proposal is to ask for \$20,000 from the Fish Habitat Account."

Dave reported that the goal is to have the Merrymeeting River free of all harmful cyanobacteria/algae species from New Durham to Alton. (See attached presentation).

He further reported that the objectives & approach will be as follows:

- \* Develop baseline cyanobacteria/algae concentration data in Merrymeeting Watershed.
- \* Assist in developing best management practices.
- \* Mitigate harmful cyanobacteria/algae levels in Merrymeeting River Watershed.
- \* Establish collaborative initiative to resolve issue.
- \* Develop watershed management plan & manage corrective processes.
- \* Implement mitigation strategies.
- \* Provide ongoing testing.

In closing, Dave thanked the Department & Commission for the opportunity to give a brief presentation on the subject.

Commissioner Hubert stated, "I feel I have enough information to vote today on this".

Commissioner Hubert moved to expend \$20,000 from the Fisheries Habitat Account to support the Merrymeeting River Watershed Plan and Commissioner Carr seconded. The vote was unanimous in the affirmative.

3.) John Magee, Fisheries Biologist, provided information to the Commission on a future request to expend \$30,000 from the Fisheries Habitat Account to conserve 40 acres in Lyndeborough, NH.

John reported that the overall project consists of two non-contiguous tracts: The larger tract is about 69 acres and is currently on the market for \$297,000 and highly developable. The smaller tract 21 acres and is not yet on the market, however, is planned to be soon. The smaller tract expands the highly valuable habitat of the Rice Preserve (owned by the Piscataquog Land Conservancy, PLC), with protection of Scataquog Brook, which is one of most productive wild brook trout streams in the State. It is the smaller parcel that is of particular interest to the Inland Fisheries Division. The appraised value of this property is \$50,000.

#### **STANDING COMMITTEES:**

**POLICY COMMITTEE:** Commissioner McGonagle, Chair: Commissioners Clews, Phillipson & Carr. Commissioner McGonagle reported that the committee did not meet.

Commissioner McGonagle reported that there would be a Policy Committee Meeting on October 11, 2017, at 11:00 a.m., in the Director's Conference Room.

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

Paul Sanderson, Legal Coordinator, reported that there was no language out yet to address.

**RIVERS COMMITTEE:** Commissioner Ryan was absent.

**LAKES COMMITTEE:** Commissioner Clews was absent.

**HANDBOOK & ORIENTATION COMMITTEE:** Commissioner Patch, Chair; Commissioner Carr. Commissioner Patch was absent.

**STRATEGIC PLANNING COMMITTEE:** Committee is sunset at this point.

**WILDLIFE HERITAGE FOUNDATION:** Commissioner Greco reported that the committee met today, September 20, 2017; therefore, he could not attend due to the Commission Meeting taking place simultaneously.

**AWARDS COMMITTEE:** Commissioners Hubert, Chair; Commissioners Baldwin, Phillipson and McGonagle. Commissioner Hubert reported that there was no meeting, however, encouraged everyone to submit their nominations for the 2017 Commission Awards of Excellence, postmarked by December 31, 2017, Attn: Tanya Haskell.

**OLD BUSINESS:** Chairman Tichy reported that this could be his last Commission Meeting as the Governor has nominated a replacement for Coos County Commissioner. He stated, "I want to thank everyone for their support. I know I have been a thorn sometimes, however, I feel the Commission & Department have come a long way toward working together."

He further stated, "If Commissioner Phillipson wishes to take over as interim Chairman until the Commission votes on their election of officers that would be fine with me."

Commissioner Phillipson agreed to do so.

Commissioner Phillipson provided an update on the work being done at Barry Conservation Camp. He reported that the covered range was not yet complete. He further reported that Commissioners worked 100 hours over the weekend, with Commissioner Tichy's wife, Mary, assisting as well.

In addition, he reported that the Commission was willing to finish the project & get the roof on. He reported that nothing was done on the elevated shooting platform.

In closing, he thanked all that participated and gave a special thanks to Mark Beauchesne, Advertising & Promotional Coordinator, for the great meals he cooked for the group and for running errands as needed.

**NEW BUSINESS:** Commissioner Baldwin reported that he attended the Becoming an Outdoor Woman weekend. He stated, "It was a great experience, an outstanding program and very well put together! It was a great job done by the Wildlife Federation and The Fish & Game Department."

Commissioner Phillipson reported that there was a recent volunteer pheasant meeting in Keene, NH, with Kent Gustafson and Karen Bordeau, Pheasant Project Leader, which was well received by all. The group was impressed that Kent & Karen thought it was important enough to come to Keene and speak to the group. He reported that Lindsay Webb, Landowner Relations Coordinator, and Ted Walski, Wildlife Biologist, were in attendance as well.

Director Normandeau reported that he was working to try and get an interpretation from The U.S Fish & Wildlife Service pertaining to the use of Pitman Robertson funds for pheasant stocking. He further reported that Massachusetts was leading the way with a grant submission. He stated that it would probably not be available for this season and that it was an important issue for most States.

Director Normandeau reported that there was a petition filed by the Voices of

Wildlife to shorten the coyote season from September 1 – March 31. He reported that after review, the department denied the petition as they felt there was little hunting activity during period of concern.

Linda Dionne, Voices of Wildlife, was present at the meeting and thanked the Department and Commission for taking the petition seriously. She introduced Chris Schadler, Co-Founder, NH Wildlife Coalition, who spoke to the fact that she supports the petition to suspend coyote hunting during their denning season. She stated, “Coyotes deserve fair treatment during their most vulnerable time of the year.” She reported there is no biological reason to hunt coyotes as they will just reproduce.

In closing, she stated, “I encourage you, despite what other states are doing, to consider how we manage coyotes.”

Director Normandeau informed Linda that she could potentially resubmit in January, as the Fis. 300 rules will be up for review by the Wildlife Division.

Director Normandeau reported that one Friday afternoon his phone rang and it was the Governor informing him that he was intending to pull the Sunapee permit renewal application off of the Governor & Council Agenda. He stated, “At the time, I was personally unaware that renewals ever went to Governor & Council for approval. I explained to him that there would probably be some pushback about this. I contacted the Department of Environmental Services, who informed that they, in fact, had examples of major projects going back before the Governor & Council, and that it was their policy, although it’s not in writing. The Department’s representative at the Attorney General’s Office advised me that it would be unlikely for us to prevail if we disputed it. I then sent an e-mail to our liaison in the Governor’s Office and suggested that before this hits the news that perhaps we have a meeting with the Governor to discuss it. The next day Governor Sununu was on the Channel 9 news explaining his rationale for pulling the permit.”

“Further, I have had e-mail conversations back & forth with Commissioner Hubert & Tichy and a few others. Ultimately, at the end of the day, this is an executive agency and essentially I work for the Governor, who has expressed that under no circumstance will Wild Goose be built, which pretty much clipped my wings. One thing I did propose was having a discussion about the disposition of the property. It is an LCIP property, acquired back in the 1990’s and under the statutes that revolve around the old property acquisition program, states that any disposition of the property, other than its original intent, has to happen through an act of the legislature, which I was told has never happened for any parcel. I explained that if we are not allowed to use the property for a boat ramp, then what we have here is a very valuable home lot on Sunapee Lake. I inquired as to whether the Governor would support the Department going to the legislature to allow for that property to be sold and for the Department to split what we could get for it for it with LCIP and be reimbursed for the money we spent on the endeavor, which to date is \$415,000 out of the Boat Access Account. I did not get a response on that proposal. I then got a call from the Governor’s Chief of Staff, informing me that an Executive Order from the Governor would be forthcoming. The Executive Order establishes a Lake Sunapee Public Boat Access Development Commission, as you can see by the membership, not many of us are included. I found it disappointing that one of the duties of the Commission is to provide recommendations for use of the property. It seems we are striking out on all fronts with this. I will participate on the Commission and do my best to steer it the best I can. We are not

in a great place with this & I know there are some outside efforts being made and I wish you well. Fish & Game will comply with 91-A requests, however, the department's hands are tied. I'm as disappointed as you all are. I've put more time into this project than any project in my tenure as Director."

He reported that he met with Garrett Graaskamp, Boat Access Coordinator, and Rick Fink, Chief, Facilities & Lands Division, and have decided that the department will be directing its next big effort to fixing the Downing's Landing site on Lake Winnepesaukee, which is highly utilized and needs a lot of attention.

He further reported that the Department's construction crew has completed the boat access site at Pine River on Ossipee Lake and did a great job!

Commissioner Baldwin stated, "I was really hoping I wouldn't have to bring this up, however, I am disappointed as well that Director Normandeau sent an email to a group of people but the people on the Commission were not privy to that."

Commissioner Baldwin made the motion that for the record, Director Normandeau read to the Commission and the public his position on Wild Goose Public Access Ramp as sent to Tom, et al, as written in the e-mail dated September 15, 2017 to Tom Quarles. Commissioner Phillipson 2<sup>nd</sup> the motion to hear the subject.

Director Normandeau read the e-mail aloud as follows:

"Tom,

I feel the need to lay out my position on Wild Goose. While I understand everyone's frustration with the way this has turned out, the fact is the Fish & Game Department is an executive branch agency under the Governor and I work for the Governor. He has made clear his decision on the Wild Goose Project is final and as such, my personal feelings aside, Fish & Game will not undertake any appeal of the permit renewal nor participate in any "behind the scenes" activities around the issue, except following the requirements of 91-A to provide requested information and responding to inquiries from members of the legislature, some of whom have requested information on the issue. No one has worked harder to get this project done than me; however, the Department has to move on."

Respectfully,  
Glenn Normandeau

Director Normandeau stated, "The only reason I didn't send this e-mail to the full Commission is that I was simply responding to the folks that I was corresponding with at the time regarding the department's continued involvement."

Chairman Tichy stated, "To the Director's point, he sent the e-mail to Commissioner Hubert, as he's the Sullivan County Commissioner and to myself, as Chairman. Not every e-mail the Director sends goes to every Commissioner. I believe the Director had already said all this publicly. He has to abide by the Governor wishes."

Commissioner Baldwin stated, "My point is that the Commission is supporting this project as a whole and I thought we were on the same team and that we were all supporting the project. That letter he wrote is not supporting the project."

Director Normandeau responded, "If I am ordered by the Governor to take an action or not take an action, that is the bottom line. I do not have an appeal to that."

Chairman Tichy called for a vote at this time on the above motion to have Director Normandeau read aloud his September 15, 2017 e-mail to Tom Quarles. The vote was unanimous in the affirmative.

Dick Smith, Public Water Access Advisory Board member, member of the Lakes Management Advisory Committee, and Conservation Director for the NH Bass Federation, was present and spoke to the Sunapee Boat Access Project.

Dick stated, "The good thing about being 79 years of age is I can pretty much say what I want as the Governor is not my boss. I am here today to speak on behalf of a quarter of a million anglers and almost \$100,000 registered motor boat enthusiasts. This is crazy stuff! I feel that this Executive Order in place has a stacked deck. Does he think we are stupid? I appreciate the staff's efforts and understand that our state agencies are limited as to what they can do as the Governor is your boss. The property owners around the State have gotten to the Governor. I do not want to sell that property. There is no other option, it is the best option. It has been studied to death for over 20 years. It has been well debated. We are going to continue to push. I am here to ask you, Commissioners, to help push to get this done."

Dick thanked Director Normandeau & Commissioners for the opportunity to speak.

Chairman Tichy encouraged Dick to get the word out to the boaters, kayakers, canoeist and the general public.

Commissioner Hubert stated, "I don't think there is anymore more disappointed than I am in the Governor's actions in this. As a Commission, I don't know where we go from here. We have 5 duties as Commissioners, as spelled out in law, and #3 is: Acquisition Development & Maintenance of Public Access to lands & waters for recreational use consistent with NH Law. He is preventing us from doing our jobs. He has thwarted the legal process beyond belief. It is clear to everyone looking from the outside what this is. This is wealthy landowners controlling what he has confirmed to be their lake. This is no longer public water and he has put an exclamation point on this by the make-up of his Commission. It is outrageous! He stepped into this well into the process and well through the legal process and has changed the course, possibly irreparably. I don't believe he is a friend & advocate to the sportsmen at this point."

In addition, Commissioner Hubert reported that there were some legal challenges filed in Sullivan County Superior Court and also an appeal regarding the DES permit.

He encouraged folks to e-mail the Governor to express their dismay with his decision.

Director Normandeau reported that he would have Mark Ellingwood forward some important CWD (Chronic Wasting Disease) information to the Commission.

**COMMISSIONERS REPORTS:**

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

**COMMISSIONER CARR:** Commissioner Carr had nothing to report at this time.

**COMMISSIONER GRECO:** Commissioner Greco had nothing to report at this time.

**COMMISSIONER PHILLIPSON:** Commissioner Phillipson had nothing to report.

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

**COMMISSIONER RYAN:** Commissioner Ryan was absent.

**COMMISSIONER PATCH:** Commissioner Patch was absent.

**COMMISSIONER MCGONAGLE:** Commissioner McGonagle had nothing to report.

**COMMISSIONER CLEWS:** Commissioner Clews was absent.

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

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

**CALL TO THE PUBLIC:**

Director Normandeau introduced Trisha Gray, Human Resource Administrator, replacing Tom Bourgault.

At this time, 3:12 p.m., Commissioner Greco moved to adjourn and Commissioner Hubert seconded. The vote was unanimous in the affirmative.

Respectfully submitted,

James Ryan, Secretary

Approved: \_\_\_\_\_  
Ted Tichy, Chairman