

NEW HAMPSHIRE LAWS

UAPPEAL

WILDLIFE

Wildlife is classified into categories, with separate lists for possession, importation and release.

PERMIT required to import, possess, sell, exhibit or release live marine species or wildlife.

- EXEMPT:
 - department director and employees
 - live fish and aquatic invertebrates for fishing bait
 - falconry
 - rehabilitators with native wildlife
 - wildlife under other state licenses
 - wolf hybrids
 - TICA or CFA feline hybrids at least 3 generations removed
 - Scientific permit
 - Ranch bred mink (exempt from all RSA 207 laws)
 - Release of indigenous wildlife trapped by landowner on own land or another land with permission

- GRANDFATHERED:
 - Wildlife under permit in 1992
 - Spotted, Blanding's, wood and Eastern box turtles in 1996 with permit
 - Non-controlled species before 6/1/2007 now controlled with possession permit
 - Controlled species before 10/1/15 now prohibited with possession permit

CATEGORIES:

- Non-controlled (no permit needed)
- Controlled (permit needed)
- Prohibited (banned) - includes unclassified species

LEGAL to keep non-controlled and Category 1 controlled species as pets.

BANS unclassified species except Category 5 Exhibitors with waiver.

PERMITS:

- Category 1 Individual Person

- Category 2 Propagator
- Category 3 Individual Training and Shooting
- Category 4 Regulated Shooting Area
- Category 5 Exhibitor
- Category 6 Aquaculturists
- Category 7 Field Trial

REQUIREMENTS:

Import:

- Fish need report of pathological inspection except noncontrolled
- BANS warmwater fish from zone 2
- BANS import of fish from states with zebra mussel infested waters unless source is free of them
- Health certificate needed for all other wildlife besides fish
- Requires wildlife import permit to be responded to and issued in 60 days unless it poses a direct and significant risk for the reasons mentioned AND allows appeal of denial within 60 days (HB 1299/CH. 303 Signed into law 7/1/22 – Effective 8/1/22)

Possess:

- Permanent ID
- Closed system for channel catfish, Tilapia and hybrid striped bass
- Basic and specific caging, care, handling requirements
- Ear tag visible 10' away plus 2nd ear tag or tattoo for deer and elk
- BANS removing from premises except vet or permit to release

Release:

- Landowner permission
- Imported fish for release need health certification

Propagation:

- Annual veterinary inspection
- Annual report

Beagle Clubs:

- PERMIT (Permit to Live-Capture Snowshoe Hare) issued to take live snowshoe hares from the wild and hold in captivity for propagation or training for beagle clubs

Exhibitors:

- BANS human contact except fallow deer and reindeer
- BANS permanent within 100' of center line of highway, road or street
- BANS import or new animals if direct non-compliance with USDA
- BANS sale or giving away of threatened/endangered reptiles
- Venomous reptiles - 1000 hours of experience, emergency procedures including anti-venom source for department and local EMS, microchip endangered/threatened, notify department in 48 hours of inventory change
- List of exhibition dates and locations 48 hours before for mobile exhibit
- USDA caging or basic department caging if no USDA
- Inspections
- Allows chaining/tethering during permanent exhibit presentation if under direct supervision, chaining/tethering elephants for mobile exhibits, tethering/leashing wildlife on facility property or with prior consent of facility owner
- Allows sales to other exhibitors – BANS propagation and sale of moose and white-tailed deer
- Notify municipality at least 30 days before permanent facility

Sales:

- BAN selling spotted, Blanding's, wood and Eastern box turtles
- BANS selling indigenous reptiles and amphibians except non-living bullfrogs and snapping turtles from outside the state for food and non-living indigenous for Category 1 from outside state for education

Denials:

- Permit shall be granted unless risk of disease, genetic, ecological, environmental, health, safety, or welfare to persons, marine species, or other wildlife
- Department to notify applicant of denial in writing in 60 days
- May appeal denial in writing to executive director within 60 days with name, residential address, telephone number, email, species and request purpose
- Director must respond and either uphold or overturn the denial within 60 days
- Person aggrieved by decision of executive director may appeal with written petition to the Fish and Game Commission
- Commission must hear petition within 45 days
 - Need majority vote to overturn decision
 - Commission must issue ruling in writing within 14 days of hearing
- Allows further review of commission decision under RSA 541 (Adopted 12/21/22)

(NH RSA 207.14, 207.15A, 212:25; NH Code Admin R Fis 800)

OTHER PERMITS

- Permit to Train Dogs (train dogs to hunt during off season)
- Falconry Permit (hunt with raptors)
- Wildlife Control Operator License (trap nuisance wildlife)
 - LIMITED TO: beaver, otter, mink, fisher, porcupine, raccoon, bobcat, gray and red fox, weasel, skunk, muskrat; gray, red and flying squirrel; rabbit and hare, coyote, opossum, woodchuck, chipmunks; mice, rats, voles, moles, shrews; snakes
- Scientific License (bird banding, science or research or education)
- Wildlife Rehabilitation Permit (keep wildlife 6 months or orphaned 10 months)
 - Class I Apprentice and Class II Licenses
 - Need 24-hour notice of new endangered or threatened species, black bear, white-tailed deer, moose or bobcats
 - Unreleaseable animals may be kept under a possession permit for surrogate parents or captive propagation or research or under an exhibition permit for educational displays and programs
- Bait Dealer's License (take and sell live fish or aquatic invertebrates as bait)
 - Take 20 quarts/day and possess 100 quarts (excludes worms and night crawlers)
- Wholesale Marine Species License (buy, sell, process, transport marine species in wholesale)
- Commercial Saltwater License (take, possess, land or transport marine species for sale)
- Retail Trade of Lobster or Crab License (buy, sell, process, ship and transport lobster or crab for retail sale)

(NH RSA 207:12-a, 207:12-b, 207:13, 209-A, 210:24-b, 211:39, 211:49, 214:29, 214:34, 214:35; NH FIS 305, 308, 502, 812, 813, 1104.04, 1104.07, 1105, 1106.01, 1106.05)

REPTILES AND AMPHIBIANS

NOTE: Venomous reptiles are now limited to those normally capable of inflicting serious or fatal injuries to humans.

BANS export of native reptiles and amphibians.

TAKE METHODS: hand or hand net

LIMITS:

- Take 5/day per species of amphibians:
 - American toad
 - Gray treefrog
 - Spring peeper
 - American bullfrog
 - Green frog
 - Pickerel frog
 - Mink frog
 - Wood frog
 - Spotted salamander
 - Northern two-lined salamander
 - Northern dusky salamander
 - Eastern red-backed salamander
 - Red-spotted newt

- BANNED: spotted turtle, Blanding's turtle, wood turtle, Eastern box turtle, black racer, marbled salamander, Fowler's toad, Northern leopard frog and eggs, timber rattlesnake and Eastern hognose snakes (Effective 8/26/22)

- Take 2/day per species of reptiles:
 - Musk turtle
 - Painted turtle
 - Snapping turtle
 - Ring-necked snake
 - Eastern milksnake
 - Northern watersnake
 - Brown snake
 - Red-bellied snake
 - Garter snake

REQUIREMENTS:

- Must comply with the wildlife import, possession, release and sale regulations
- BANS take of indigenous turtles from May 15 to Jul 15
- Snapping turtles must be under 6" or 12-15" in length

(NH Fis 1400)

PROTECTED BIRDS

BANS hunting, capturing, killing, taking, possessing, buying or selling protected birds.

BANS hunting, capturing, killing, taking, and possessing golden or bald eagles or disturbing nests or young.

(NH RSA 209:8, 209:9)

MARINE MAMMALS

BANS possessing or taking marine mammals.

- EXEMPT: as allowed under Marine Mammal Protection Act

(NH RSA 210:3-b)

NONGAME SPECIES

Allows department to regulate nongame species.

(NH RSA 212-B)

FERRETS

BANS hunting with ferrets or possessing one during hunting.

Requires rabies vaccination for domestic European ferrets over 3 months of age including those temporarily in state for shows and racing or transient hunting dogs for field trials.

(NH RSA 207:6, 436:100, 436:104)

HOMING PIGEONS

BANS taking or interfering with homing pigeons with stamp, band or other marking.

(NH RSA 209:7)

WOLF HYBRIDS

BANS sale and resale and release of wolf hybrids less than 5 generations removed.

- EXEMPT:
 - import if altered
 - temporary import for competitive events

REQUIREMENTS:

- rabies vaccination with affidavit that it is not approved for hybrids
- kept under control or in enclosure that is adequate and free of waste, debris and infestation

(NH RSA 466-A)

WILD BOARS, STALLIONS, RAMS

Must keep wild boars in safe and suitable enclosure to prevent running at large or property damage.

BANS allowing stallions over 12 months to run at large along with all rams between Aug 1 and Dec 1.

(NH RSA 467)

WILD TURKEYS

BANS import, sale, give away and release of wild turkeys or hybrids.

PERMIT issued to possess and propagate grandfathered turkeys.

(NH RSA 212:25-a)

MONK PARAKEETS

LEGAL to possess and sell monk parakeets.

(NH RSA 437:17-a)

COVERED ANIMAL SPECIES PART TRAFFICKING

BANS purchase and sale of covered animal species parts or products.

- EXEMPT:
 - federal or state government employees and agents
 - sport-hunted items and activities allowed by law
 - federal management plan activity
 - fixed component of antique with documentation of being at least 100 years old
 - Fixed component of musical instrument if legally acquired
 - Noncommercial transfer to beneficiary of estate, trust or inheritance
 - Donation to scientific or educational institution
 - Federally-recognized Indian tribe
 - Knife or firearm or component if fixed or integral part and sales laws met

LIST:

- Elephant
- Rhinoceros
- Tiger
- Lion
- Leopard
- Cheetah
- Jaguar
- Pangolin
- Endangered shark (CITES)
- Endangered ray (CITES)
- Endangered sea turtle (CITES)
- Endangered whale (CITES)

(NH RSA 212-C)

ENDANGERED AND THREATENED SPECIES

BANS take, possession, transport and sale and transport by carriers of wildlife in need of conservation.

BANS export, take, possession, process, sale, delivery, carry, transport and shipment of endangered and threatened species.

- PERMIT issued to take for scientific purposes
- EXEMPT:
 - lawfully imported wildlife
 - marine or estuarine species
 - agriculture or silviculture
 - energy facility

LIST:

- Endangered (updated 2/2022):
 - Dwarf wedgemussel
 - Brook floater mussel
 - Cobblestone tiger beetle
 - Puritan tiger beetle
 - Frosted elfin butterfly
 - Karner blue butterfly
 - White Mountain fritillary
 - Persius duskywing skipper
 - Rusty patched bumblebee
 - American brook lamprey
 - Shortnose sturgeon
 - Marbled salamander
 - Blanding's turtle
 - Eastern box turtle
 - Eastern hognose snake
 - Timber rattlesnake
 - Northern harrier
 - Golden eagle
 - Common nighthawk
 - Piping plover
 - Upland sandpiper
 - Roseate tern
 - Least tern
 - Eastern small-footed bat
 - Little brown bat
 - Northern long-eared bat
 - Tri-colored bat

- New England cottontail
- Canada lynx
- Eastern wolf

- Threatened (updated 2/2022):
 - Eastern pond mussel
 - Pine pinion moth
 - Ringed boghaunter
 - White Mountain arctic
 - Hessel's hairstreak
 - Bridle shiner
 - Atlantic sturgeon
 - Round whitefish
 - Fowler's toad
 - Spotted turtle
 - Black racer
 - Pied-billed grebe
 - Common loon
 - Peregrine falcon
 - Common tern
 - Red knot
 - Cliff swallow
 - Purple martin
 - Cerulean warbler
 - Eastern meadowlark
 - Grasshopper Sparrow

(NH RSA 212-A; NH Fis 1000)

PROHIBITIVE INVASIVE SPECIES

BANS collection, transport, import, export, movement, purchase, sale, distribution, propagation and release of prohibited invasive plant and insect species.

- EXEMPT:
 - commissioner and department employees (collect, distribute, transport, propagate)
 - Written variance for scientific use (collect, transport, cultivate, transplant, propagate)
 - Nonliving and nonviable species for outreach, arts and crafts, lumber, firewood or processed products
 - Living and viable species for publicly-accessible herbarium, mycology or entomology collection, disposal, identification, interstate transport

INSECT LIST:

- honeybee tracheal mite
- hemlock woolly adelgid
- city longhorn beetle
- emerald ash borer
- Asian longhorned beetle
- cedar longhorned beetle
- Siberian silk moth
- redhaired bark beetle
- European spruce bark beetle
- spotted lanternfly
- Asian gypsy moth
- Japanese beetle
- viburnum leaf beetle
- European chafer
- nun moth
- brown spruce longhorned beetle
- Varroa mite

(NH Agr 3802)

CRUELTY TO WILD ANIMALS, FISH, WILD BIRDS

BANS beating, cruelly whipping, torturing or mutilating wild animals, fish and wild birds. Penalty for intentional act is Class B felony, and penalty for negligent act is misdemeanor.

- EXEMPT: legal taking, open season limits, scientific investigations or wildlife management practices

(NH RSA 206:19-b)

TURTLE SALES (AGRICULTURE)

Turtles (including tortoises and terrapins) sold must have a carapace of at least 4".

(NH Agr 1705)

TRANSFER OF ANIMALS (AGRICULTURE)

PERMIT required to annually transfer at least:

- 25 dogs
- 25 cats
- 30 ferrets
- 50 birds
- 350 fish
- 200 reptiles
- 200 amphibians
- 200 small mammals

EXEMPT: transfer of feed fish and rodents if buyer signs statement of feed purpose

(NH Agr 1701)

BIRD IMPORT AND TRANSFER (AGRICULTURE)

PERMIT and certificate of veterinary inspection within 30 days prior required to import birds (customary household pet birds) for transfer or display. Must keep record of transfers.

(NH Agr 1703)

IMPORT (AGRICULTURE)

- Poultry (chickens, ducks, geese, birds of prey, exhibition and game birds such as pheasant and quail, turkeys)

PERMIT required to import poultry, swine, ratites, buffalo, camelidae, cervidae, yaks and psittacine birds.

Certificate of Veterinary Inspection required to import all animals.

REQUIREMENTS:

- Buffalo regulated as cattle and zebras as equines
- Ferrets - health certificate, canine distemper and rabies vaccine (over 3 months)
- Poultry over 20 weeks - NPIP VS Form 9-3 and CVI (allows intrastate transport except flocks not tested for Pullorum and avian influenza)
- Customary pet birds – permanent ID
- Camelids – negative Brucellosis test within 30 days and TB test in 60 days if 6 months and either metal ear tag, tattoo or microchip
- Ratites – negative avian influenza within 10 days prior
- Yaks – permanent ID AND if 6 months or older either from Brucellosis or TB free herd OR negative Brucellosis 30 days prior and negative TB 60 days prior

(NH RSA 436.99 to 436.109; NH Code Admin R Agr 1601-1602, 2100)