

STATE OF NEW HAMPSHIRE  
CHESHIRE SUPERIOR COURT  
DOCKET No. 213-2022-CV-00199

JEAN SLEPIAN  
1252 ROUTE 123 NORTH  
STODDARD, NEW HAMPSHIRE 03464

V.

STATE OF NEW HAMPSHIRE FISH AND GAME DEPARTMENT  
11 HAZEN DRIVE  
CONCORD, NEW HAMPSHIRE 03301

PETITION FOR DECLARATORY JUDGMENT

Pursuant to NH RSA 491:22 and New Hampshire Constitution, Part 1, Article 8, Petitioner Jean Slepian seeks a Declaratory Judgment that the New Hampshire Fish & Game Department's expenditures of public funds violate Constitutional provisions included in New Hampshire Constitution, Part 1, Articles 1, 2, 8, 10 and 12, and NH RSA 206:4-a and NH RSA 207:58 because the governance structure of the New Hampshire Fish & Game Department denies the basic principles of representative and accountable government.

1.

## INTRODUCTION

The New Hampshire Fish and Game Department was established by the Legislature in 1935. The mission of the Department is to work in partnership with the public to conserve, manage and protect the state's fish, wildlife and marine resources and their habitat; inform and educate the public about these resources; and to provide the public with opportunities to use and appreciate these resources ([www.nh.gov/wildlife](http://www.nh.gov/wildlife)) .

The Fish & Game Department is under the direction of the Fish & Game Commission, an 11 member board with one representative from each county and an additional representative from the Tidewater towns. Nominations for membership on the Commission are made by County Sporting Club Boards which are made up of sporting clubs within each county, or, in the case of an appointment from the Tidewater towns, nominations may be made by the Advisory Committee on Marine Fisheries . "Sporting Clubs" are defined as organizations that acknowledge in their permanent bylaws the promotion and protection of hunting, trapping and fishing ( NH RSA 206: 2 ) .

Members of the Fish & Game Commission are required to have held a resident fishing, hunting or trapping license in 5 of the 10 years prior to their appointment (NH RSA 206:2-a). Duties of the Commission include : Setting general policy in the areas of : conservation, protection, and management of wildlife populations and habitat ; the development , funding and implementation of a long range strategic plan to direct the operation of the Fish & Game Department ; the establishment of positions on proposed legislation that affects fish, wildlife and marine resources and the overall management of the Fish & Game Department. (NH RSA 206:4-a)

New Hampshire residents who hold hunting, trapping or fishing licenses comprise less than 15% of the state's population.

In 2007 the House Finance Committee requested a Performance Audit of the New Hampshire Fish & Game Department to be conducted by the Office of the Legislative Budget Assistant .The LBA report stated 30 observations and recommendations which included broadening representation on the Commission to include other constituent groups, changing the role of the Commission to be advisory only, and not involved in policy or funding decisions , and changing the name of the Department to “ NH Fish & Wildlife Department”, to reflect the changing interests of the New Hampshire population ( report available at : [www.gencourt.state.nh.us/LBA/AuditReports/PerformanceReports/FG\\_2007p\\_full.pdf](http://www.gencourt.state.nh.us/LBA/AuditReports/PerformanceReports/FG_2007p_full.pdf))

In the past 14 years there have been six bills in the New Hampshire Legislature with the intent to broaden representation on the Fish & Game Commission but the composition of the Commission remains unchanged. At their January 15, 2020 meeting, the Fish & Game Commissioners voted to reaffirm the Commission's long -standing position in reference to qualifications to be a Commissioner, and to keep the existing language as it currently reads; and to further oppose HB 1571, 2020, (see Statement of Facts, # 18 ) relative to qualifications to become a Commissioner . The Legislature has historically supported the Fish & Game Commission's position on all bills related to governance of the Commission.

The New Hampshire Fish & Game Department has several funding sources including licensing fees , donations, Off Highway Recreational Vehicle Funds, and public funds from the New Hampshire General Fund and a variety of federal programs including Wildlife Restoration Grants, State Wildlife Grants and American Rescue Plan Act funds.

The Petitioner asserts that the New Hampshire Fish & Game Department's use of all public funds is in

violation of New Hampshire Constitutional provisions ( Part 1, articles 1, 2, 8, 10 and 12) , New Hampshire state laws ( RSA 206-4a ; RSA 207:58) and New Hampshire Administrative Rules (FIS 102.01(a) , because the governance structure of the New Hampshire Fish & Game Department denies the basic principles of representative and accountable government.

#### STATEMENT OF FACTS

##### 1. Parties :

**Petitioner** Jean Slepian lives in Stoddard, New Hampshire , in Cheshire County , and has been a New Hampshire property owner and taxpayer for 37 years. Petitioner is eligible to vote. Petitioner is not employed by any animal protection or conservation organization .

**Respondent** New Hampshire Fish and Game Department is an agency of the New Hampshire State Government, established under the laws of New Hampshire .

2. Standing. Petitioner is a property owner and taxpayer in the state of New Hampshire and is eligible to vote ( voter ID : 222000421) . Petitioner has standing pursuant to Part 1, Article 8 of the New Hampshire Constitution and NH RSA 491:22.

3. Jurisdiction. The Superior Court has jurisdiction over this matter pursuant to RSA 491:22 and Part 1, Article 8 of the New Hampshire Constitution.

4. Venue. Petitioner is a resident of Cheshire County. Cheshire Superior Court is the proper venue, pursuant to RSA 507:9 .

5. The State of New Hampshire has exclusive authority over the management, preservation, protection, propagation and taking of wildlife in the State, with the exception that cities and towns may manage

wildlife issues on their own properties or properties they control. ( RSA 207:59 )

6. The Fish and Game Department was established in 1935, and is under the direction of the Fish & Game Commission. (RSA 206: 1 )

7. The purpose of the New Hampshire Fish and Game Department is to recognize , preserve and promote our special heritage of hunting, fishing, trapping and wildlife viewing by providing opportunities to hunt, fish, trap and view wildlife in accordance with Title XVIII. ( NH RSA 207:58)

8. The New Hampshire Fish & Game Commission consists of 11 members, one from each county and one additional member from the Tidewater towns. Nominations for Commissioners are made by county sporting club boards, made up of sporting clubs within the county, or, in the case of an appointment from the Tidewater towns, nominations may be made by the Advisory Committee on Marine Fisheries . A “Sporting Club” is defined as an organization with a specific interest in hunting, fishing, trapping, wildlife and habitat conservation, **and** an organization which acknowledges in its permanent bylaws the promotion and protection of hunting, fishing and trapping and which accepts scientific management methods and tools. Sporting clubs must be registered with the Department of State for 2 years. Nominations for Commissioners are approved by the Governor and Executive Council . Members of the Fish & Game Commission are required to have held a hunting, fishing or trapping license in 5 of the 10 years prior to their appointment. (NH RSA 206:2 and NH RSA 206:2-a )

9. Duties of the Fish & Game Commission include : setting general policy in areas of conservation, protection and management of wildlife populations and habitat; the development, funding, and implementation of a long range strategic plan to direct the operation of the Fish and Game Department;

the establishment of positions on proposed legislation that affects fish, wildlife and marine resources and the overall management of the Fish and Game Department (NH RSA 206:4-a) .

10. There are 49,742 New Hampshire residents with hunting licenses; hunters comprise 3.6 % of New Hampshire's population. There are 135,521 New Hampshire residents with fishing licenses; anglers comprise 9.84% of New Hampshire's population. There are 417 New Hampshire residents with trapping licenses; trappers comprise .03 % of New Hampshire's population (source: NH Fish and Game Department; percentages based on 2020 US Census NH population: 1,377,529 )

11. The New Hampshire Fish and Game Department uses several funding sources, including licensing fees, donations, Off Highway Recreational Vehicle funds, and public funds from the New Hampshire General Fund and a variety of federal programs, including the Sport Fish Restoration Act, Wildlife Restoration Act, State Wildlife Grants, the National Oceanic and Atmospheric Administration, and the American Rescue Plan Act Of 2021 .

12. The Executive Director of the Fish and Game Department, under the supervision of the Commission, has the exclusive power to expend for the protection , conservation, propagation and restoration of fish, game , fur-bearing animals and marine species, all funds of the state acquired for the protection, conservation, propagation and restoration of fish, game, fur-bearing animals and marine species arising from state appropriations, licenses, gifts or otherwise . ( NH RSA 206: 38 ) .

13. In 2007 the Finance Committee of the New Hampshire House of Representatives requested a Performance Audit of the New Hampshire Fish & Game Department, to be conducted by the Office of the Legislative Budget Assistant. The LBA audit report, released in January 2008, stated 30 observations and recommendations, among them that the Fish & Game Commission should be expanded to include

additional constituent groups, that the Fish & Game Commission's role should be advisory only and not involved in policy or funding decisions and that the Department should consider changing its name to "NH Fish & Wildlife Department" to reflect the changing interests of the New Hampshire population (report available at:

[www.gencourt.state.nh.us/LBA/AuditReports/PerformanceReports/FG\\_2007p\\_full.pdf](http://www.gencourt.state.nh.us/LBA/AuditReports/PerformanceReports/FG_2007p_full.pdf)).

14. House Bill 559, 2009, prime sponsor: Rep. Skinder, proposed changes in the qualifications of Fish & Game Commissioners, including appointment of a Commissioner with experience in the field of animal protection and also changed the role of the Commission to serve as an advisory body. HB 559 was opposed by Fish & Game Department, was found "Inexpedient to Legislate" by the House Fish Game and Marine Resources Committee, and defeated in the House of Representatives on March 4, 2009.

15. House Bill 1176, 2016, prime sponsor: Rep. Parent, proposed to include a member of the NH Guides Association on the Commission, shortened the term of Commissioners, and prohibited former employees of the Fish & Game Department from serving on the Commission. HB 1176 was opposed by the Fish & Game Department, sent to Interim Study by the House Fish, Game and Marine Resources Committee, and Not Recommended for Future Legislation.

16. House Bill 467, 2017, prime sponsor: Rep. Eaton, proposed to change the duties of the Fish & Game Commission to advisory only, requiring that decisions be made in conjunction with the Fish & Game Department Executive Director. HB 467 was opposed by the Fish & Game Department, found Inexpedient to Legislate by the House Fish, Game and Marine Resources Committee, and defeated in the House of Representatives.

17. Senate Bill 48, 2018, prime sponsor: Sen. Bradley, proposed to establish a Commission to study the

efficiency and effectiveness of the Fish & Game Department. The bill's " Declaration of Purpose " states the following : " While the number of the department's hunting, fishing and trapping constituents has been declining, non-consumptive users who benefit from the Department's efforts to conserve and protect wildlife species and habitats have been on the rise. It was noted in the 2008 audit of the Department that this broader base has not been well-integrated into the governance, policy-making and financial support of the Department." SB 48 passed in the Senate and House, with amendments and was signed by the Governor on 2-15-2018 . The Fish & Game Department took a neutral position on SB48. The SB 48 Commission's report was released in January, 2019 . At the October 18 2018 meeting of the SB 48 Commission, Rep. Goley moved that the present governance of the Fish & Game Department should not be changed. The SB 48 Commission voted 10 – 1, with one person abstaining, not to include the issue of governance in the final report. The SB 48 Commission recommended to increase the General Fund contribution to the Fish & Game Department's operating budget by one million dollars in the next biennium.

18. House Bill 1571, 2020, prime sponsor: Rep. Read, proposed to change the nominating process and qualifications for Fish and Game Commissioners to include conservation organizations, animal protection organizations and other organizations and individuals with non-consumptive interests in wildlife. The Fish and Game Department opposed this bill. HB 1571 was found Inexpedient to Legislate by House Fish Game and Marine Resources Committee, "Laid on Table" in the House of Representatives, "Died on Table".

19. House Bill 118, 2021, prime sponsor Rep. Harvey, proposed to change the requirements for Fish and Game Commissioners. The Fish and Game Department opposed this bill, as amended. The House Fish Game and Marine Resources Committee found the bill, " Inexpedient to Legislate"; it was defeated in



the House of Representatives in January 2022.

20. Part 1, Article 1 of the New Hampshire Constitution states that all men (persons) are born equally free and independent and that all government of right originates from the people, is founded in consent, and is instituted for the general good.

21. Part 1, Article 2 of the New Hampshire Constitution states that all men (persons) have inherent rights... enjoying life and liberty, seeking and obtaining happiness.

22. Part 1, Article 8 of the New Hampshire Constitution states that all power resides originally in and is derived from the people, and that officers of the government are at all times accountable to them.

23. Part 1, Article 10 of the New Hampshire Constitution states that the Government is instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men ...

24. Part 1, Article 12 of the New Hampshire Constitution states that every member of the community has a right to be protected by it in the enjoyment of life, liberty and property and is therefore bound to contribute his/her share in the expense of such protection ( Protection and Taxation reciprocal).

25. NH RSA 206: 4-a describes the members of the Fish and Game Commission as , “ the citizens’ representatives” . This is confirmed by Fish & Game Department Administrative Rule FIS 102.01 (a) , which has the force of law .

26. NH RSA 207:58 states that the General Court finds that it is in the best interests of the state and its citizens that the Fish & Game Department recognize, preserve and promote our special heritage of

hunting, fishing , trapping and wildlife viewing by providing opportunities for hunting, fishing, trapping and wildlife viewing .

27. The challenged governmental action in this petition is not the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding.

#### ARGUMENT

The petitioner asserts that all expenditures of public funds by the New Hampshire Fish & Game Department violate constitutional provisions included in Part 1, Articles 1, 2, 8 , 10 and 12 of the NH Constitution, NH RSA 207:58 , NH RSA 206-4A and Administrative Rule Fis 102.01 (a) , for the following reasons :

**28 . The New Hampshire Fish & Game Department does not recognize the equality of all New Hampshire citizens and is not instituted for the general good .** Part 1, Article 1 of the New Hampshire Constitution, Equality of Men ( persons), does not grant any unique , “more- equal “ status to hunters, trappers and anglers for more favorable treatment or more entitlement than other citizens; it does not give hunters, trappers and anglers the right to greater representation in regard to wildlife issues and the expenditure of public funds to advance their interests. Article 1 does not state that government is instituted for the general good only of hunters, trappers and anglers . As an example of the violation of this constitutional provision , the New Hampshire Fish & Game Dept recently requested and was approved to expend \$55 million dollars in American Rescue Plan Act funds ( Executive Council Minutes, April 20, 2022, item # 68, page 11) to construct two new fish hatcheries and to design a third new hatchery, in order to protect and promote the interests of anglers who comprise 9.84 % of the state’s population , using money that rightfully belongs to all of the citizens of New Hampshire to assist the state and its citizens in recovery from the COVID pandemic . In addition, this situation is of grave

concern to environmentalists and conservationists , but without representation on the Fish & Game Commission, the concerns of these groups have been ignored. When questioned about the plans for new hatcheries, the Division Chief for Inland Fisheries explained that anglers want the large and plentiful fish produced by the hatcheries, and stated, “ If we don’t sell licenses , we don’t get money, so it’s really an economic thing.” ( NH Bulletin, 2-11-2022 ). The New Hampshire Fish & Game Department uses public funds, but it is not instituted for the general good of all citizens.

**29. The New Hampshire Fish & Game Department does not recognize the inherent rights to life, liberty and happiness for the vast majority of the State’s citizens who are not hunters, trappers or anglers.** Part 1, Article 2 of the New Hampshire Constitution states that all men ( persons) have the inherent right to enjoy life and liberty and to seek happiness. Article 2 does not state that hunters, trappers and anglers have a greater right to enjoy life and liberty, and seek happiness than other New Hampshire residents. The New Hampshire Fish & Game Department uses NH taxpayer funds and federal taxpayer funds to promote and enhance the inherent rights of hunters, trappers and anglers to life, liberty and happiness while denying and disregarding the inherent rights of the vast majority of New Hampshire citizens who do not hunt, fish or trap.

**30. The New Hampshire Fish & Game Department is not accountable to New Hampshire citizens who are not hunters, trappers or anglers .** Part 1, Article 8 of the New Hampshire Constitution states that officers of the government are at all times accountable to the people. The New Hampshire Fish & Game Department , under the direction of the Fish & Game Commission routinely ignores public comments and petitions for rule changes submitted by individuals who favor non-consumptive interactions with New Hampshire’s wildlife. In an example of the Fish & Game Department’s lack of accountability to New Hampshire residents, in 2016 the Department proposed to reinstate a hunting season for bobcats.

Six thousand comments were received from the public on this issue ; 250 comments supported the proposed bobcat hunt, 5750 comments opposed the hunt, but the Fish & Game Commission ignored the overwhelming opposition of New Hampshire citizens and voted 5 to 4 to proceed with the bobcat hunt. The Fish & Game Department withdrew the bobcat hunt proposal only when the Joint Legislative Committee on Administrative Rules stated a Preliminary Objection because the proposed bobcat hunt conflicted with the Federal Endangered Species Act . ( Keene Sentinel, Feb 18 & 24, 2016). Petitions for rule changes submitted to the Fish & Game Department by conservationists, environmentalists, ecologists, and animal protection advocates regarding coyotes, squirrels, foxes, wildlife killing contests, Peregrine falcons, and striped sea bass have been denied by the Commission without interactive discussion with petitioners, and public comments on these issues are routinely ignored. The Fish & Game Department is not accountable to the vast majority of New Hampshire citizens and taxpayers .

**31. The New Hampshire Fish & Game Department is not instituted for common benefit of the whole community; it is instituted to protect the private interests of hunters, trappers and anglers.** Part 1, Article 10 of the New Hampshire Constitution states that the Government is instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family or class of men .... Part 1, Article 10 does not grant an exception to the common benefit, protection and security clause for hunters, trappers and anglers, yet it is evident from the record of Commission minutes and other public documents that the current governance structure of the New Hampshire Fish & Game Department represents the private interests of these three groups who, together, constitute less than 15 % of NH's population. In writing the majority opinion for the House Fish, Game and Marine Resources Committee's recommendation against HB 118 (2022) , the most recent attempt to expand representation on the Fish & Game Commission, Rep. John Klose stated the following : “ The sportsmen of the Granite State have spoken loud and clear , they don't want us to

meddle with a system that is working as it is.”

In July 2022, Representative Timothy Lang, Chairman of the House Fish, Game and Marine Resources Committee, attended the monthly meeting of the New Hampshire Fish & Game Commission. The Chairman of the Commission stated that , “ Representative Lang has been a great asset to the Department” .

In the past 5 years the House Fish, Game and Marine Resources Committee has blocked 15 wildlife protection bills that were opposed by the Fish & Game Department, and supported 1 wildlife protection bill that was supported by the Fish & Game Department .

The current system is **not** working for the common benefit of the whole community; it is not working for the thousands of New Hampshire taxpayers whose public comments on wildlife issues are routinely disregarded by the Fish & Game Commission ; it is not working for the New Hampshire taxpayers who have properly submitted petitions requesting rule changes , only to have them denied without discussion. It is not working for the vast majority of New Hampshire citizens who prefer non-violent interactions with wildlife and have no representation on the Fish & Game Commission.

It is evident from the remarks above, taken from the public record, that it is the willful and explicit intention of the New Hampshire Fish & Game Department, under the direction and supervision of the New Hampshire Fish & Game Commission, to deny the vast majority of New Hampshire citizens their constitutional and statutory rights to representation, while using taxpayer dollars from the New Hampshire General Fund and grants supported by federal tax dollars to promote and protect the interests of hunters, trappers and anglers. The New Hampshire Fish & Game Department, under the

current governance structure, is not instituted for the common benefit of the whole community.

**32. The New Hampshire Fish & Game Department uses taxpayer dollars to protect the enjoyment of life of New Hampshire hunters, trappers and anglers, but does protect the enjoyment of life for New Hampshire taxpayers who not hunters, trappers or anglers .** Part 1, Article 12 of the New Hampshire Constitution states that every member of the community has a right to be protected by it in the enjoyment of his/her life, liberty and property; he/she is therefore bound to contribute his/her share of the expense of his/her protection. The New Hampshire Fish & Game Department does not protect the enjoyment of life of citizens who are not hunters, anglers or trappers in exchange for their payment of taxes, because these citizens are denied representation on the Fish & Game Commission . The Commission has repeatedly stated that it will continue to oppose any effort to provide representation for non-hunting, non-fishing, non-trapping taxpayers. ( Commission minutes, June 12, 2018 and Commission minutes, Jan 15 2020)

The following statement is taken from the Fish & Game Department's website :

( [www.wildlife.state.nh.us/funding/index.html](http://www.wildlife.state.nh.us/funding/index.html)):

“The inclusion of a small amount of General Funds in the Fish and Game budget is an important avenue through which the broader public that benefits from Department's many services can contribute to its operation. Thanks for your support” .

“ Thank you” is not enough. When taxpayer funds are used taxpayers must have fair representation.

According to the US Fish and Wildlife Service's 2016 National Survey of Fishing, Hunting and Wildlife-Related Recreation the number of licensed hunters, nationally, is declining, with a 16 % decrease between 2011 and 2016. In the same period of time participation in non-consumptive wildlife viewing

recreation increased by over 20 %, with a corresponding increase in economic activity related to wildlife viewing recreation (<https://wildlife.org/usfws-releases-report-on-national-wildlife-related-recreation>).

The decline in the popularity of hunting in New Hampshire is reflected in the SB 48 Commission's 2018 report with recommendations for an aggressive outreach program to recruit and retain hunters and anglers, and additional funds from the New Hampshire General Fund to sustain the Fish & Game Department. If hunting , fishing and trapping license sales in New Hampshire follow the declining national trends it can be reasonably assumed that the Department will become more reliant on taxpayer dollars from the General Fund and federal taxpayer-supported programs, and the issues raised in this Petition will become more immediate and compelling. The New Hampshire Fish & Game Department does not protect the enjoyment of life for New Hampshire taxpayers who are not hunters, trappers or anglers.

**33. The New Hampshire Fish & Game Department does not protect New Hampshire's unique heritage of wildlife viewing because wildlife viewers have no representation on the Fish & Game Commission.**

NH RSA 207:58 requires that the Fish and Game Department protect New Hampshire's unique heritage of hunting, fishing, trapping and wildlife viewing by providing opportunities to hunt, fish, trap and view wildlife. The first three of these activities are represented and have advocates on the Fish & Game Commission which oversees the development, implementation and funding of the Department's long term strategic plan, but wildlife viewers, including hikers, bird watchers, photographers, environmentalists and animal protection advocates do not have representation on the Commission, and their concerns have not been considered in development of long term strategy or setting of policy . This situation was confirmed and clearly stated in the 2008 Performance Audit report of the Legislative Budget Assistant, and in the introduction to Senate Bill 48, 2018.

**34. The New Hampshire Fish & Game Commission does not represent the state's citizens because New Hampshire citizens who are not hunters, trappers or anglers have no representation on the**

**Commission.** NH RSA 206-4a describes the members of the New Hampshire Fish & Game Commission as, "the citizens' representatives". This is confirmed in FIS Rule 102.01 (a), which has the force of law: "The Commissioners represent the state's citizens." In fact, the Commissioners do not represent the state's citizens. They are nominated by sporting clubs which are required to acknowledge in their permanent bylaws the protection and promotion of hunting, fishing and trapping, or, in the case of the Commissioner from the Tidewater towns, by the Advisory Committee on Marine Fisheries. The Commissioners are required to have held a hunting, fishing or trapping license in at least five of the ten years prior to being appointed. The Commissioners oversee, supervise and approve the expenditure of public funds to support the Fish & Game Department and its strategic plan, the Commissioners oversee the establishment of the Department's position on legislation affecting wildlife, but, they do **not** represent the vast majority of New Hampshire citizens and taxpayers, they represent only hunters, trappers and anglers who comprise less than 15 % of New Hampshire's population.

**35. The Petitioner has legal standing pursuant to New Hampshire Constitution, Part 1, Article 8.** In other Article 8 taxpayer petitions (Anna Carrigan vs. NH DHHS, Supreme Court of NH, Merrimack 2020-0518, July 20, 2021) the Courts have determined that the petitioner must identify and challenge specific expenditures by government entities, either planned or those that have already occurred, in order to have standing to request a Declaratory Judgment that public funds have been used in violation of state law or Constitutional provisions. However, the present case against the New Hampshire Fish & Game Department is unique. This is **not** a case that challenges, "a governmental body's comprehensive response to a complex issue" (Anna Carrigan vs. NH DHHS, Supreme Court of NH, Merrimack 2020



0518, July 20, 2021 ) . The Fish & Game Department is the only New Hampshire state agency that is under the oversight, supervision and direction of a Commission whose members are nominated and appointed because they hold a specific social, moral and ethical belief—that it is acceptable to torture and kill animals for sport. The Commission represents only the interests of the 14% of NH residents who share their belief : hunters, trappers and anglers, while disregarding the interests of the vast majority of NH residents who are not hunters, trappers or anglers, and the Commission has voted, repeatedly, to continue to oppose representation for other groups of constituents. The Petitioner asserts that **every** expenditure of public funds by the Fish & Game Department violates Constitutional provisions and state laws because the governance structure of the New Hampshire Fish & Game Department denies the basic principles of representative and accountable government.

If the guidance previously established by the Courts to determine standing in taxpayer petitions is followed in the present case , this Petitioner would have to appear before the Court every year to challenge each year's specific Fish & Game Department expenditures of public funds, until the Legislature corrects the problem of the bias against non-hunting, non-fishing, non-trapping New Hampshire taxpayers that is inherent in the Fish & Game Department's current governance structure.

It costs \$ 280.00 to file a petition in Superior Court, plus charges for service of process, time away from work, printing of supporting documents, possible legal fees, and hours and hours of preparation. The Petitioner argues that it would be unfair and unreasonable to require the taxpayer to assume the burdens of challenging specific Fish & Game Department expenditures of public funds on a continuing yearly basis in order to protect his/her Constitutional and statutory rights to equality, representation and accountability of government officials. The Petitioner asserts that she has legal standing to file this Petition pursuant to the New Hampshire Constitution, Part 1, Article 8 , and NH RSA 491:22.

Therefore:

PRAYER FOR RELIEF

Petitioner respectfully asks the Court :

1. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of constitutional provisions included in Part 1, Article 1 of the New Hampshire Constitution.
2. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of constitutional provisions included in Part 1, Article 2 of the New Hampshire Constitution.
3. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of constitutional provisions included in Part 1, Article 8 of the New Hampshire Constitution.
4. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of constitutional provisions included in Part 1, Article 10 of the New Hampshire Constitution.
5. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of constitutional provisions included in Part 1, Article 12 of the New Hampshire Constitution.
6. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of NH RSA 206:4-a.
7. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of NH RSA 207 :58.
8. To declare that the New Hampshire Fish & Game Department's use of public funds is in violation of NH Administrative rule FIS 102.01-a.
9. To provide all other relief the Court deems fair and just.

I hereby certify that the facts asserted in this petition are true and correct to the best of my knowledge and belief.

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