

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Fis 402.12, 406.01(d), 406.02, 406.03, 406.05, 407.01(d), 407.02, 407.03, 407.04, 408.04, 409.03, 502.08(b)(11) and (c)(7), 503.01, 503.05**

1. Agency Name & Address:

**NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301**

2. RSA Authority: **206:10,I; 211:4, 211:5, 214:35, 211:16-b,II.**

3. Federal Authority: _____

4. Type of Action:

Adoption XX

Amendment XX

Repeal _____

Readoption XX

Readoption w/amendment XX

5. Short Title: **Fish and Game – 2012 Fishing rules**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The Fish and Game Department is proposing to:

Adopt Fis 402.12 which specifies while being guided and taking freshwater fish by trolling, the number of lines being used for angling shall not exceed the legal number of lines allowed by the anglers, excluding the guide(s);

Amend Fis 406.01 (d) by changing the pond restrictions to:

Increase the trout bag limit on Dublin Lake (Dublin) from 3 fish to 5 fish by changing reference from Fis 406.02(d) to (a);

Change Perch Pond (Lisbon) from a designated trout pond to a general regulation pond by changing reference from Fis 406.02(a) to Fis 406.05(a); and

Remove the slot limit regulation on Profile Lake (Franconia) by changing the reference from Fis 406.03(b) to Fis 406.03(a);

Readopt with amendment Fis 406.02 by striking (d) which would no longer be needed if the rule for Dublin Lake changes;

Readopt with no change Fis 406.03 relative to the restrictions for fly fishing waters and Fis 406.05 relative to other waterbodies;

Amend Fis 407.01(d) to change the name of Diamond River to Dead Diamond River, to make the changes in the rule references for sections on the Merrimack and Pemigewasset Rivers;

Readopt with amendment Fis 407.02, 4 Fis 07.03 and Fis 407.04 to remove language that

already exists in Fis 402.09 and does not need to be repeated and to remove paragraph Fis 407.03 (e) that is no longer needed because of the change to the Pemigewasset River in 407.01(d);

Readopt with amendment Fis 408.04 and 409.03 relative to the taking of black bass through the ice on the Connecticut River and the MA/NH interstate waters;

Amend Fis 502.08 (b)(11) and (c)(7) to define how the quantity of fish taken or purchase is to be reported on bait dealer reports;

Readopt with amendment Fis 503.01 by amending (d) and (e) to make grammatical change and to define “kid’s derby” as derby for participants under 16, not 16 or younger;

Readopt with amendment Fis 503.05 relative to fishing tournaments to amend (k) to restrict the current matching of state fish to the period of April 1 to June 30.

6. (b) Brief description of the groups affected: The proposed rules will affect recreational anglers, bait dealers and those involved in kid’s fishing derbies.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Fis 402.12, 406.01(d), 406.02, 406.03, 406.05,407.01(d), 407.02, 407.03,407.04,	RSA 206:10
Fis 408.04,	RSA 206:10; 211:5
Fis 409.03	RSA 206:10; 211:4
Fis 502.08(b)(11) and (c)(7)	RSA 206:10; 214:35
Fis 503.01; 503.05	RSA 206:10; 211:16-b

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sandra Falicon** Title: **Legislative/Rules Coordinator**
 Address: **NH Fish and Game Department** Phone #: **603-271-3511**
11 Hazen Drive Fax#: **603-271-1438**
Concord, NH 03301 E-mail: comments@wildlife.nh.gov

Subject line: 2012 Fishing rules

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **August 8, 2011**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 26, 2011 @ 6:30 pm**

Place: **NH Fish and Game Department
11 Hazen Drive
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 11:084 , dated 06/22/11

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no difference in cost when comparing the proposed rules to the existing rules.
2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate; no impact on state funds.
3. Cost and benefits of the proposed rules(s):
There are no additional costs or benefits attributable to the proposed rules.
 - A. To State general or State special funds:
None.
 - B. To State citizens and political subdivisions:
None.
 - C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed adoption of Fis 402.12; the amendment of Fis 406.01(d) and Fis 502.08; the readoption with amendment of Fis 406.02, 407.02, 407.03, 407.04, 408.04, 409.03, 503.01 and 503.05; and the readoption of Fis 406.03 and Fis 406.05 relating to the 2012 fishing rules do not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

Adopt Fis 402.12 to read as follows:

Fis 402.12 Trolling Restriction. While anglers are being guided, as defined in RSA 207:1 XII and XIII, and taking freshwater fish by trolling, as defined in Fis 401.181, the number of lines being used for angling shall not exceed the legal number of lines allowed for each angler, excluding the guide(s).

Amend Fis 406.01(d) Table 400.1 Ponds and Lakes Table, effective 1-1-06 (Doc #8442), as amended 1-1-07 (Doc #8671), as amended 1-1-08 (Doc #9005), as amended 1-1-09 (Doc #9249), and as amended 1-1-11 (Doc #9773-A), by amending the ponds and lakes listed, cited and to read as follows:

Fis 406.01 Applicability.

(d) The taking of fish from a lake or pond or its tributaries shall be in compliance with the restrictions set forth in the rules cited in Table 400.01, the Ponds and Lakes Table, as follows:

Table 400.1 PONDS AND LAKES TABLE

POND/LAKE NAME(S)	TOWN(S)	POND RULES	TRIBUTARY RULES
Dublin Lake/Monadnock Pond	Dublin	Fis 406.02(da)	Fis 406.06(a)
Perch Pond	Lisbon	Fis 406.02(05)	Fis 406.06(a)
Profile Lake	Franconia	Fis 406.03(ba)	Fis 406.06(a)

Readopt with amendment Fis 406.02, effective 1-1-06 (Doc #8442), as amended 1-1-08 (Doc #9005), as amended 1-1-08 (Doc #9005), as amended 1-1-09 (Doc #9249), and as amended 1-1-11 (Doc #9773-A), to read as follows:

Fis 406.02 Trout Waters.

(a) The taking of fish from this waterbody as referenced in Table 400.01 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) This waterbody shall be managed as trout water;
- (2) The open season for taking all species except salmon and smelt shall be from the 4th Saturday in April through October 15;
- (3) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (4) The open season for taking smelt shall be June 16 through October 15;
- (5) The open season for taking salmon shall be from the 4th Saturday in April to September 30;

- (6) The daily bag limit for salmon shall be 2 fish;
- (7) The minimum length for salmon shall be 15 inches;
- (8) The use or possession of live fish, or the eggs thereof, for bait shall be prohibited, however the use of salmon eggs shall be permitted; and
- (9) The daily limit for all other species shall be as provided in Fis 403.

(b) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the restrictions in Fis 406.02(a) except that the use or possession of live rainbow smelt (*Osmerus mordax*) for bait shall be permitted.

(c) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking all species except smelt shall be from the 4th Saturday in April through October 15th;
- (3) The open season for taking smelt shall be June 16 through October 15;
- (4) No person shall take brook trout 12 to 16 inches in length. All brook trout 12 to 16 inches in length shall be immediately released unharmed into the waters from which taken;
- (5) The daily limit for brook trout shall be 2 fish of which only one may be over 16 inches;
- (6) Only single hook artificial lures and flies shall be used and all hooks shall be barbless or have all barbs pinched; and
- (7) The daily limit for all other species shall be as provided in Fis 403.

~~(d) The taking of fish from this waterbody as referenced in Table 400.01 in Fis 406.01(d) shall be subject to the following restrictions:~~

- ~~(1) This waterbody shall be managed as trout water;~~
- ~~(2) The open season for taking all species except salmon and smelt shall be from the 4th Saturday in April through October 15;~~
- ~~(3) The daily limit for brook trout shall be 3 fish or 5 pounds of fish whichever limit shall first be reached;~~
- ~~(4) The open season for taking smelt shall be June 16 through October 15;~~
- ~~(5) The open season for taking salmon shall be from the 4th Saturday in April to September 30;~~
- ~~(6) The daily bag limit for salmon shall be 2 fish;~~

~~(7) The minimum length for salmon shall be 15 inches;~~

~~(8) The use or possession of live fish, or the eggs thereof, for bait shall be prohibited, however the use of salmon eggs shall be permitted; and~~

~~(9) The daily limit for all other species shall be as provided in Fis 403.~~ **RESERVED**

Readopt Fis 406.03, effective 1-1-11 (Doc #9773-A), to read as follows:

Fis 406.03 Fly-Fishing Waters.

(a) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking all species, except salmon and smelt, shall be from the 4th Saturday in April through October 15 by fly fishing only;
- (3) The open season for taking smelt shall be June 16 through October 15 and shall be by fly fishing only;
- (4) The daily limit for brook trout shall be 5 fish or a total of 5 pounds of fish whichever limit shall first be reached; and
- (5) The daily limit for all other species shall be as provided in Fis 403.

(b) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking all species except smelt shall be from the 4th Saturday in April through October 15 by fly fishing only;
- (3) The open season for taking smelt shall be June 16 through October 15 and shall be by fly fishing only;
- (4) No person shall take brook trout 12 to 16 inches in length. All brook trout 12 to 16 inches in length shall be immediately released unharmed into the waters from which taken;
- (5) The daily limit for brook trout shall be 2 fish of which only one may be over 16 inches;

(6) The daily limit for all other species shall be as provided in Fis 403.

(c) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

(1) This waterbody shall be managed for trout;

(2) The open season for taking all species except salmon and smelt shall be from the 4th Saturday in April through October 15 by fly fishing only;

(3) Fishing through the ice, from the ice, or from any object supported by the ice shall be prohibited;

(4) The open season for taking smelt shall be June 16 through October 15 and shall be by fly fishing only;

(5) The daily limit for brook trout shall be 2 fish; and

(6) The daily limit for all other species shall be as provided in Fis 403.

Readopt Fis 406.05, effective 1-1-08 (Doc #9005), as amended 1-1-09 (Doc #9249), and as amended 1-1-11 (Doc #9773-A), to read as follows:

Fis 406.05 Other Waterbodies.

(a) The taking of fish from this waterbody, as referenced in Table 400.1 in Fis 406.01(d), shall be subject to the following restrictions:

(1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;

(2) The open season for taking smelt shall be June 16 through March 14;

(3) The open season for taking salmon shall be April 1 through September 30;

(4) The open season for taking lake trout shall be January 1 through September 30;

(5) The daily bag limit for salmon and lake trout shall be no more than 2 fish whether 2 of a single species or one of each species;

(6) The minimum length for salmon shall be 15 inches;

(7) The daily limit for brook trout in open water shall be 5 fish or 5 pounds of fish whichever limit shall first be reached and 2 fish through the ice;

(8) The minimum length for lake trout shall be 18 inches;

(9) The daily limit for all other species shall be as provided in Fis 403; and

(10) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.

(b) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) The waterbody shall be closed to the taking of all fish October 16 through March 31;
- (2) The open season for taking all species except brook trout and smelt shall be from April 1 through October 15;
- (3) The open season for taking brook trout shall be the 4th Saturday in April through October 15;
- (4) From April 1 through October 15 no person shall take fish through the ice, from the ice or from any object supported by the ice;
- (5) The open season for taking smelt shall be June 16 through October 15;
- (6) The daily limit for brook trout shall be 2 fish;
- (7) The minimum length for brook trout shall be 15 inches; and
- (8) The daily limit for all other species shall be as provided in Fis 403.

(c) This waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be closed to all fishing.

(d) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;
- (2) The open season for taking salmon shall be April 1 through September 30;
- (3) The open season and methods for taking smelt shall be as follows:
 - a. From June 16 through March 14 smelt shall be taken by angling only; and
 - b. From March 15 through April 30 smelt shall only be taken:
 1. By means of a dip net not over 18 inches in diameter; and
 2. Between the hours of sunset and 12 midnight;
- (4) The daily limit for brook trout in open water shall be 5 fish or 5 pounds of fish whichever limit shall first be reached and 2 fish through the ice;
- (5) The daily limit for all other species shall be as provided in Fis 403; and

(6) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.

(e) The taking of fish from this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the following restrictions:

- (1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;
- (2) The open season for taking salmon shall be April 1 through September 30;
- (3) The open season for taking lake trout shall be January 1 through September 30;
- (4) The daily limit for salmon and lake trout shall be no more than 2 fish whether 2 of one single species or one of each species;
- (5) The minimum length for salmon shall be 15 inches;
- (6) The daily limit for brook trout shall be 2 fish;
- (7) The open season for taking smelt shall be June 16 through March 14;
- (8) The minimum length for lake trout shall be 18 inches;
- (9) The daily limit for all other species shall be as provided in Fis 403; and
- (10) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.

(f) The taking of fish from this waterbody, as referenced in Table 400.1 in Fis 406.01(d), shall be subject to the following restrictions:

- (1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;
- (2) The open season for taking smelt shall be June 16 through March 14;
- (3) The open season for taking salmon shall be April 1 through September 30;
- (4) The open season for taking lake trout shall be January 1 through September 30;
- (5) The daily bag limit for salmon and lake trout shall be no more than 2 fish whether 2 of a single species or one of each species;
- (6) The minimum length for salmon shall be 15 inches;
- (7) The daily limit for brook trout in open water shall be 5 fish or 5 pounds of fish whichever limit shall first be reached and 2 fish through the ice;
- (8) The minimum length for lake trout shall be 18 inches;

- (9) The daily limit for all other species shall be as provided in Fis 403 except the daily limit for northern pike shall be 3 fish;
 - (10) The minimum length for northern pike shall be 20 inches; and
 - (11) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.
- (g) The taking of fish from this waterbody, as referenced in Table 400.1 in Fis 406.01(d), shall be subject to the following restrictions:
- (1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;
 - (2) The open season for taking smelt shall be June 16 through March 14;
 - (3) The open season for taking salmon shall be April 1 through September 30;
 - (4) The open season for taking lake trout shall be January 1 through September 30;
 - (5) The daily bag limit for salmon and lake trout shall be no more than 2 fish whether 2 of a single species or one of each species;
 - (6) The minimum length for salmon shall be 15 inches;
 - (7) The daily limit for brook trout in open water shall be 5 fish or 5 pounds of fish whichever limit shall first be reached and 2 fish through the ice;
 - (8) The minimum length for lake trout shall be 15 inches;
 - (9) The daily limit for all other species shall be as provided in Fis 403; and
 - (10) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.
- (h) The taking of fish from this waterbody, as referenced in Table 400.1 in Fis 406.01(d), shall be subject to the following restrictions:
- (1) The waterbody shall be open to the taking of all species, except salmon, lake trout and smelt, all year round by all legal methods;
 - (2) The open season for taking smelt shall be June 16 through March 14;
 - (3) The open season for taking salmon shall be April 1 through September 30;
 - (4) The open season for taking lake trout shall be January 1 through September 30;
 - (5) The daily bag limit for salmon and lake trout shall be no more than 2 fish whether 2 of a single species or one of each species;

- (6) The minimum length for salmon shall be 15 inches;
- (7) The daily limit for brook trout in open water shall be 5 fish or 5 pounds of fish whichever limit shall first be reached and 2 fish through the ice;
- (8) The taking of black bass shall be subject to the following:
 - a. From ice-in to ice-out:
 - 1. The taking of black bass from 15 to 20 inches in length shall be prohibited; and
 - 2. The daily limit of black bass shall be 3 fish, of which only one may be larger than 20 inches;
 - b. From ice-out to May 14 and June 16 to June 30 the daily bag limit shall be 2 fish;
 - c. Between May 15 to June 15 all black bass shall be immediately released unharmed at the site of catch to the waters from which taken; and
 - d. From July 1 to ice-in the daily bag limit shall be 5 fish;
- (9) The minimum length for lake trout shall be 18 inches;
- (10) The daily limit for all other species shall be as provided in Fis 403; and
- (11) No more than 6 ice fishing devices shall be used to take fish while ice fishing, except that in addition a person may use 6 cusk fishing devices to take cusk as specified in Fis 405.04.

Amend Fis 407.01(d) Table 400.2 Rivers and Streams Table, effective 1-1-06 (Doc #8442), as amended 1-1-07 (Doc #8671), as amended 1-1-08 (Doc #9005), as amended 1-1-09 (Doc #9249), and as amended 1-1-11 (Doc #9773-A), by amending the rivers listed, cited and to read as follows:

PART Fis 407 SPECIFIC RULES FOR STREAMS AND RIVERS

Fis 407.01 Applicability.

(d) The taking of fish from rivers and streams shall be in compliance with the restrictions set forth in the rules cited in Table 400.2, the Rivers and Streams Table, as follows:

Table 400.2 RIVERS AND STREAMS TABLE

STREAM/RIVER NAMES(S)	TOWN(S)	LIMITATIONS
Dead Diamond River Except:		Fis 407.02 (e)

<p>- from the Dead Diamond River and where the Swift Diamond River confluences enters down to the mouth at the Magalloway River confluence</p>	Second College Grant	Fis 407.03(f)
Merrimack River		
<p>- from the confluence of the Winnepesaukee River and the Pemigewasset River to the Garvins MA/NH boundary Falls Dam in Bow</p>		Fis 407.03 (ec)
<p>from the Garvins Falls Dam in Bow to the MA/NH boundary</p>		Fis 407.03 (e)
<p>except: - Litchfield Atlantic Salmon Smolt Release Facility from a posted point 500 feet up-stream to a posted point 500 feet downstream</p>		Fis 407.02 (d)
Pemigewasset		
<p>- from the headwaters to the Route 104 bridge in Bristol/New Hampton</p>	Ashland, Bridgewater, New Hampton, Bristol	Fis 407.02 (i)
<p>-from the Route 104 bridge in Bristol/New Hampton to Ayers Island Dam</p>	Bristol, New Hampton	Fis 407.03 (ec)
<p>- from the closed section below Ayers Island Dam to the Eastmans Falls Dam in Franklin</p>	Bristol, Hill, New Hampton, Sanbornton, Franklin	Fis 407.03 (ec)
<p>- from the posts 150' below the Eastman Falls Dam in Franklin to the Route 3 and 11 bridge in Franklin</p>	Franklin	Fis 407.03 (d)
<p>- from the Route 3 and 11 bridge in Franklin to the confluence of the Pemigewasset River and the Winnepesaukee River</p>	Franklin	Fis 407.03 (ec)

Readopt with amendment Fis 407.02, effective 1-1-09 (Doc #9249), to read as follows:

Fis 407.02 Trout Waters.

(a) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
- (3) Fish shall be taken by fly fishing only;
- (4) The daily limit for brook trout shall be 2 fish;
- (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (6) Open season for taking salmon shall be from April 1 through September 30;
- (7) The daily bag limit for salmon shall be 2 fish;
- (8) The minimum length for salmon shall be 15 inches;
- ~~(9) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
- (409) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
- (4110) The daily limit for all other species shall be as provided in Fis 403.

(b) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
- (3) Fish shall be taken by fly fishing only;

- (4) All fish shall be immediately released unharmed to the water;
 - (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
 - (6) Open season for taking salmon shall be from April 1 through September 30;
 - ~~(7) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
 - (87) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
 - (98) The daily limit for all other species shall be as provided in Fis 403.
- (c) The taking of fish in this waterbody as referenced in Table 400.2 in Fis 407.01(d) shall be subject to the restrictions in Fis 407.02(a) and the minimum total length for trout shall be 12 inches.
- (d) This waterbody as referenced in Table 400.2 in Fis 407.01(d) shall be closed to all fishing.
- (e) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restriction:
- (1) This waterbody shall be managed for trout;
 - (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
 - (3) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
 - (4) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
 - (5) Open season for taking salmon shall be from April 1 through September 30;
 - (6) The daily bag limit for salmon shall be 2 fish;
 - (7) The minimum length for salmon shall be 15 inches;
 - ~~(8) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
 - (98) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;
 - (109) The daily limit for all other species shall be as provided in Fis 403; and

(~~4~~**10**) There shall be no closed season for the taking of minnows for bait by the use of minnow traps in accordance with RSA 211:9.

(f) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
- (3) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (4) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (5) Open season for taking salmon shall be from April 1 through September 30;
- (6) The daily bag limit for salmon shall be 2 fish;
- (7) The minimum length for salmon shall be 15 inches;
- (8) ~~The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited, except that brown~~ **Brown** trout may be taken between 2 hours after sunset and one hour before sunrise;
- (9) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;
- (10) The daily limit for all other species shall be as provided in Fis 403; and
- (11) There shall be no closed season for the taking of minnows for bait by the use of minnow traps in accordance with RSA 211:9.

(g) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through November 30;
- (3) Only single hook artificial lures and flies shall be used;
- (4) The daily limit for brook trout shall be 2 fish;
- (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;

- (6) Open season for taking salmon shall be from April 1 through September 30;
 - (7) The daily bag limit for salmon shall be 2 fish;
 - (8) The minimum length for salmon shall be 15 inches;
 - (9) The minimum length for brook trout shall be 12 inches;
 - ~~(10) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
 - (11) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
 - ~~(12)~~ (11) The daily limit for all other species shall be as provided in Fis 403.
- (h) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:
- (1) This waterbody shall be managed for trout;
 - (2) The open season for taking of all species, except smelt, shall be January 1 through October 31 subject to the following:
 - a. From January 1 through June 15 and October 1 through October 31, all fish:
 1. Shall be taken by fly fishing only;
 2. Shall be immediately released; and
 3. All hooks shall be barbless or have all barbs pinched; and
 - b. From June 16 through September 30 fish may be taken by all legal methods as follows:
 1. The combined daily limit for salmon, lake trout and brook trout shall be 2 fish;
 2. The minimum length for brook trout and salmon shall be 15 inches;
 3. The minimum length for lake trout shall be 18 inches; and
 - ~~4. The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
 - (3) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
 - (4) The daily limit for all other species shall be as provided in Fis 403.

(i) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
- (3) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (4) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (5) This waterbody, and its tributaries to the first upstream dam, shall be closed to the taking of salmon;
- ~~(6) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
- ~~(7)~~ Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;
- ~~(8)~~ The daily limit for all other species shall be as provided in Fis 403; and
- ~~(9)~~ There shall be no closed season for the taking of minnows for bait by the use of minnow trap in accordance with RSA 211:9.

(j) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

- (1) This waterbody shall be managed for trout;
- (2) There shall be no closed season for all species, except salmon and smelt;
- (3) From October 16 through June 15 all fish shall be immediately released and only single hook artificial lures and flies shall be used and all hooks shall be barbless or have all barbs pinched;
- (4) From June 16 through October 15 fish may be taken by all legal methods and the daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (6) Open season for taking salmon shall be from April 1 through September 30;
- (7) The daily bag limit for salmon shall be 2 fish;
- (8) The minimum length for salmon shall be 15 inches;

~~(9) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~

(109) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;

(110) The daily limit for all other species shall be as provided in Fis 403; and

(111) There shall be no closed season for the taking of minnows for bait by the use of minnow traps in accordance with RSA 211:9.

(k) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

(1) This waterbody shall be managed for trout;

(2) The open season for taking of all species, except smelt, shall be April 1 through September 30;

(3) The open season for taking smelt shall be June 16 through September 30;

(4) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;

(5) The minimum length for lake trout shall be 18 inches;

(6) The minimum length for salmon shall be 15 inches;

(7) The daily bag limit for salmon and lake trout shall be no more than 2 fish, whether 2 of one single species or one of each species;

~~(8) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~

(98) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and

(109) The daily limit for all other species shall be as provided in Fis 403.

(l) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

(1) This waterbody shall be managed for trout;

(2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;

- (3) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
 - (4) The open season for taking smelt shall be as follows:
 - a. From January 1 through March 14 and June 16 through October 15 smelt shall be taken by angling only; and
 - b. From March 15 through April 30 smelt shall only be taken:
 1. By means of a dip net not over 18 inches in diameter; and
 2. Between the hours of sunset and 12 midnight;
 - (5) Open season for taking salmon shall be from April 1 through September 30;
 - (6) The daily bag limit for salmon shall be 2 fish;
 - (7) The minimum length for salmon shall be 15 inches;
 - ~~(8) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
 - (98) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;
 - ~~(409)~~ The daily limit for all other species shall be as provided in Fis 403; and
 - ~~(410)~~ There shall be no closed season for the taking of minnows for bait by the use of minnow traps in accordance with RSA 211:9.
- (m) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:
- (1) This waterbody shall be managed for trout;
 - (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
 - (3) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
 - (4) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
 - (5) The open season for taking salmon shall be from April 1 through September 30 and the taking of salmon shall be in accordance with Fis 411;

~~(6) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~

(76) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;

(87) The daily limit for all other species shall be as provided in Fis 403; and

(98) There shall be no closed season for the taking of minnows for bait by the use of minnow traps in accordance with RSA 211:9.

(n) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

(1) The open season for the taking of all species except smelt shall be January 1 through October 31 subject to the following:

a. From January 1 through March 31 the daily limit for trout, including lake trout shall be 2 fish;

b. From April 1 through September 30 the combined daily limit for salmon, lake trout, brook trout shall be 2 fish;

c. From October 1 through October 31 all fish shall be immediately released and all hooks shall be barbless or have all barbs pinched;

d. Fish shall be taken by fly fishing only;

e. The minimum length for salmon and lake trout shall be 15 inches;

f. The open season for taking salmon shall be January 1 through October 31;

g. From January 1 through March 31 and from October 1 through October 31 all salmon shall be immediately released; and

h. The open season for taking smelt shall be January 1 through March 14 and June 16 through September 30.

(o) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:

(1) This waterbody shall be managed for trout;

(2) There shall be no closed season for all species, except smelt;

(3) From October 16 through the 4th Saturday in April the taking of fish shall be subject to the following:

a. All fish shall be immediately released;

- b. Only single hook artificial lures and flies shall be used; and
 - c. All hooks shall be barbless or have all barbs pinched;
- (4) From the 4th Saturday in April to October 15:
- a. Fish may be taken by all legal methods; and
 - b. The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (6) The open season for taking salmon shall be from April 1 through September 30;
- (7) The daily bag limit for salmon shall be 2 fish;
- (8) The minimum length for salmon shall be 15 inches;
- ~~(9) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
- (10) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited;
- ~~(11)~~ (10) The daily limit for all other species shall be provided in Fis 403; and
- ~~(12)~~ (11) There shall be no closed season for the taking of minnows for bait by the use of minnow trap in accordance with RSA 211:9.
- (p) The taking of fish from this waterbody as referenced in Table 400.2 shall be subject to the following restrictions:
- (1) This waterbody shall be managed for trout;
 - (2) The open season for taking of all species, except salmon and smelt, shall be January 1 through November 30;
 - (3) Fish shall be taken by fly fishing only;
 - (4) The daily limit for brook trout shall be 2 fish;
 - (5) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
 - (6) Open season for taking salmon shall be from April 1 through September 30;

- (7) The daily bag limit for salmon shall be 2 fish;
- (8) The minimum length for salmon shall be 15 inches;
- ~~(9) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
- (10) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
- (10) The daily limit for all other species shall be as provided in Fis 403.

Readopt with amendment Fis 407.03, effective 1-1-08 (Doc #9005), as amended 1-1-09 (Doc #9249), and as amended 1-1-11 (Doc #9773-A), to read as follows:

Fis 407.03 Other Waters.

(a) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

- (1) There shall be no closed season for all species except salmon and smelt;
- (2) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached in open water and 2 fish through the ice;
- (3) Open season for taking salmon shall be from April 1 through September 30;
- (4) The daily bag limit for salmon shall be 2 fish;
- (5) The minimum length for salmon shall be 15 inches;
- ~~(6) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~
- (6) The daily limit for all other species shall be as provided in Fis 403; and
- (7) No more than 6 ice fishing devices shall be used to take fish while ice fishing.

(b) The taking of fish from this waterbody as referenced in Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

- (1) There shall be no closed season for all species except salmon and smelt;
- (2) From March 1 through September 30, the daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached in open water and 2 fish through the ice;
- (3) From October 1 through the last day of February:

- a. All brook trout shall be immediately released;
- b. Only single hook artificial lures and flies shall be used; and
- c. All hooks shall be barbless or have all barbs pinched.

(4) Open season for taking salmon shall be from April 1 through September 30;

(5) The daily bag limit for salmon shall be 2 fish;

(6) The minimum length for salmon shall be 15 inches;

~~(7) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~

(87) The daily limit for all other species shall be as provided in Fis 403; and

(98) No more than 6 ice fishing devices shall be used to take fish while ice fishing.

(c) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

(1) There shall be no closed season for all species and smelt;

(2) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached in open water and 2 fish through the ice;

(3) Open season for taking salmon shall be year round except that salmon taken from October 1 through March 31 shall be immediately released;

(4) The taking of salmon shall be in accordance with Fis 411;

~~(5) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited;~~

(65) The daily limit for all other species shall be as provided in Fis 403; and

(76) No more than 6 ice fishing devices shall be used to take fish while ice fishing.

(d) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

(1) There shall be no closed season for all species;

(2) All fish taken shall be immediately released unharmed to the water;

(3) Atlantic salmon brood stock shall be taken by flyfishing only as specified in Fis 411;

(4) All other fish shall only be taken with flies, as described in Fis 411, or an artificial lure that only has one hook having no more than one hook point; and

~~(5) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited.~~

(e) ~~The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:~~

~~(1) There shall be no closed season for all species except smelt;~~

~~(2) The open season for salmon shall be year round except that salmon taken from October 1 through March 31 shall be immediately released;~~

~~(3) Salmon shall be taken in accordance with Fis 411;~~

~~(4) The daily limit for trout shall be 5 fish or 5 pounds of fish, whichever limit shall first be reached;~~

~~(5) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited; and~~

~~(6) The daily limit for all other species shall be as provided in Fis 403. **RESERVED**~~

(f) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

(1) There shall be no closed season for all species;

(2) All brook trout taken shall be immediately released;

(3) There shall be no size or bag limit for black bass;

(4) The daily limit for all other species shall be as provided in Fis 403;

(5) All fish shall only be taken with:

a. Single hook artificial lures and flies; and

b. All hooks shall be barbless or have all barbs pinched.

~~(6) The taking of brook trout, lake trout, lake trout hybrids and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited; and~~

~~(7) Fishing through the ice, from the ice or from any object supported by the ice shall be prohibited.~~

Readopt with amendment Fis 407.04, Fis 408.04 and Fis 409.03, effective 1-1-06 (Doc #8442), to read as follows:

Fis 407.04 Wild Trout Waters.

(a) The taking of fish from this waterbody as referenced from Table 400.2 in Fis 407.01(d) shall be subject to the following restrictions:

- (1) This waterbody shall be managed for wild trout;
- (2) The open season for taking all species shall be January 1 through Labor day;
- (3) Only single hook artificial lures and flies shall be used and all hooks shall be barbless or have all barbs pinched;
- (4) All fish shall be immediately released unharmed to the water;
- ~~(5) The taking of brook trout and salmon between 2 hours after sunset and one hour before sunrise shall be prohibited; and~~
- (65) Fishing through the ice, from the ice, or from any object supported by the ice shall be prohibited.

Fis 408.04 Black Bass.

(a) There shall be no closed season for taking black bass by all legal methods, except as otherwise provided in Fis 408.10.

(b) The daily bag limits shall be as follows:

- (1) From January 1 to March 31, 2 fish of which only one bass may be greater than 16 inches;**
- (2) From April 1 to May 14 and June 16 to June 30, 2 fish; and**
- (3) Between May 15 and June 15 all black bass shall be immediately released unharmed at the site of catch to the waters from which taken; and**
- (4) From July 1 to December 31, 5 fish.**
- ~~(1) The daily bag limit for black bass shall be 2 fish from January 1 through May 14 and June 16 through June 30;~~
- ~~(2) Between May 15 and June 15 all black bass shall be immediately released unharmed at the site of catch to the waters from which taken; and~~
- ~~(3) The daily limit for black bass from July 1 through December 31 shall be 5 fish.~~

(c) There shall be no limits on length or weight.

(d) During the period beginning May 15 and ending June 15, black bass shall be taken only by artificial lures and flies.

Fis 409.03 Bass.

(a) The daily bag limit shall be:

- (1) **From ice-in to ice-out 2 fish, of which only one bass may be greater than 16 inches; and**
~~Two fish from ice-in to May 14 and June 16 through June 30; and~~
- (2) **From ice out to May 14 and June 16 to June 30, 2 fish; and**

~~(3)~~ Five fish from July 1 to ice-in.

(b) From May 15 through June 15 all black bass shall:

- (1) Be immediately released unharmed at the site of capture; and
- (2) Be taken by artificial lures and flies only.

(c) There shall be no limits on length or weight for bass.

Amend Fis 502.08 (b)(11) and (c) (7) effective 9-27-07 (Doc #8997), to read as follows:

Fis 502.08 Reporting.

(b) The report on Form F&G 84 shall contain the following:

(11) The quantity ~~in quarts of each species of fish landed and/or discarded and an estimate of the number of fish per quart~~ **of fish harvested by species.**

(c) The form F&G 84(a) shall contain the following for the previous month:

(7) The quantity ~~in quarts of fish purchased by species, and an estimate of the number of fish per quart~~ **of fish purchased by species.**

Readopt with amendment Fis 503.01 and Fis 503.05, effective 1-1-05 (Doc #8119), to read as follows:

Fis 503.01 Definitions.

(a) "Bass tournament" means a fishing tournament where the only eligible species for entry are black bass (*Micropterus salmoides* and *M. dolomieu*) and all of these fish are released.

(b) "Club level event" means a bass tournament in which the members of an organized fishing club compete for club standings.

(c) "Culling" means the act of exchanging a fish for one of the same species already in possession.

(d) "Fishing tournament" means an organized fishing event conducted on the freshwaters of the state in which ~~contestants~~ **participants** are pre-registered ~~and~~ **or** compete for cash awards or other prizes including but not limited to trophies, citations, ribbons, or points.

(e) "Kid's derby" means a fishing tournament where all the ~~contestants~~ **participants** are **under** 16 years of age ~~or younger~~.

(f) "Pre-registered" means having signed up in advance as a requirement to participate in a fishing tournament.

Fis 503.05 General Restrictions for Fishing Tournaments.

(a) No fishing tournaments, except as specified in (k), shall be held on water bodies managed for trout as specified in Fis 406 and Fis 407, except those fishing tournaments conducted with valid permits prior to July 1, 1987 shall be grandfathered provided the permit shall be renewed annually.

(b) No fishing tournaments shall be held that target Atlantic salmon (*Salmo salar*) or lake trout (*Salvelinus namaycush*) except those fishing tournaments conducted with valid permits prior to January 1, 1999 shall be grandfathered provided the permit shall be renewed annually.

(c) No fishing tournaments that target black bass (*Micropterus salmoides* and *M. dolomieu*) shall be held from ice-in to March 31.

(d) A fishing tournament permit application shall be denied by the executive director if:

- (1) It would be biologically detrimental to the fish populations in the water body;
- (2) A fisheries research/management program on the waterbody would be affected;
- (3) It would cause a conflict with another permitted tournament; or
- (4) The sponsoring organization has not submitted a report in accordance with Fis 503.04 for a previously held fishing tournament.

(e) Fishing tournaments shall be no longer than 3 consecutive days.

(f) The minimum length for lake trout and salmon in fishing tournaments as permitted under (b), shall be 22 inches for lake trout and 18 inches for salmon.

(g) Culling shall be prohibited except as specified in Fis 503.06(a).

(h) No tournament weigh-ins shall occur at department controlled access facilities in a manner as to obstruct any avenue of ingress or egress of boats in the boat launching area.

(i) When a permitted fishing tournament uses a department controlled boat access facility, no more than 50% of the facility's designated parking spaces shall be used by participants in the tournament.

(j) The department shall provide trout only to kid's derbies.

(k) Kid's derbies shall be subject to the following restrictions:

- (1) The department shall provide trout on a 50-50 matching basis, not to exceed 250 state fish for any one derby **and matching state fish are only available for stocking between April 1 and June 30;**
- (2) Fish imported into the state shall be in compliance with Fis 803;
- (3) These derbies shall be held on public fishing waters or on private waters that shall remain open to the public for fishing the remainder of the open season for trout.
- (4) When derbies are held on private waters, written assurance of public use shall be provided to the department;
- (5) The derby sponsor shall:

- a. Notify the department in writing at least 30 days prior to the date of the derby; and
 - b. Include the following information:
 1. Dates;
 2. Species; and
 3. Number and size of trout to be stocked by the sponsor;
- (6) The sponsor shall provide certification that the children are **under** 16 years of age ~~or younger~~ in order for the sponsor to receive matching fish.
- (7) For purposes of (6) above, certification shall be a letter stating to the best of the sponsor's knowledge all of the children meet the age requirement; and
- (8) A permit fee shall not be required for kid's derbies.

Appendix

Provision of the Proposed Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Fis 402.12, 406.01(d), 406.02, 406.03, 406.05,407.01(d), 407.02, 407.03,407.04,	RSA 206:10
Fis 408.04,	RSA 206:10; 211:5
Fis 409.03	RSA 206:10; 211:4
Fis 502.08(b)(11) and (c)(7)	RSA 206:10; 214:35
Fis 503.01; 503.05	RSA 206:10; 211:16-b

