

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number **Fis 402.08; 405.04; 406.01(d); 406.02(a); 406.05(a); 406.06(a) & (e); 407.01(d); 407.02; 407.03(f); 502.07(a), (f)(3)c. & (g)(2)c. and 503.06(a)(7) and (d)**

1. Agency Name & Address:

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

2. RSA Authority: **206:10 I.; 207:14 II.; and 211:16-b II.**

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment **XX**

Repeal _____

Readoption **XX**

Readoption w/amendment **XX**

5. Short Title: **2009 Fishing rules**

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

The Department is proposing the following changes to the fish rules for 2009:

Prohibit the use of bridle shiners for use as live bait for fishing (Fis 402.08);

Allow cusk fishing on the following additional waterbodies: Merrymeeting Lake (New Durham), Waukewan Lake (Meredith), Lovell Lake (Wakefield), Wentworth Lake (Wolfeboro) and Ossipee Lake (Freedom/Ossipee) (Fis 405.04);

Change the fishing regulations on Bryant Pond and Derby Pond from trout water rules to general fishing rules (Fis 406.01(a), 406.02(a) and 406.05(a));

Close the tributaries to Lake Sunapee from October 16 through May 31 (Fis 406.01(d), 406.06(a) and (e));

Lengthen the open season for fishing in the section of the Contoocook River in Henniker and a section of the Sugar River in Kellyville from ending October 15 to ending November 30 (Fis 407.01(d), Fis 407.02(g) and (p));

Allow the taking of black bass with no creel or size limits on a section of the Diamond River in Second College Grant (Fis 407.01(d) and 407.03(f));

Eliminate a pathogen from fish inspections for fish importation (Fis 502.079f)(3)c. and (g)(2)c.) and correct a reference to another rule in Fis 502.07(a); and

Clarify the rule relative to bass tournaments by more clearly wording the requirements relative to immediate release of baass after measuring and weighing (Fis 503.06(a)(7) and (d)).

6. (b) Brief description of the groups affected:

These rules would affect freshwater anglers.

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

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 402.08; 405.04; 406.01(d); 406.02(a); 406.05(a); 406.06(a) & (e); 407.01(d); 407.02; 407.03(f);	206:10		
Fis 502.07(a), (f)(3)c. & (g)(2)c.	206:10; 207:14		
Fis 503.06(a)(7) and (d)	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.state.nh.us
Ref: 2009 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: **June 30, 2008**

Fax E-mail **Ref: 2009 Fishing rules** Other format (specify):

9. Public hearing scheduled for:

Date/Time & Place: **June 18, 2008 6:30 p.m.**
N.H. Fish and Game Department Headquarters
11 Hazen Drive
Concord, NH 03301

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

FIS # 08:074 , dated 5/6/08

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 rule(s):

There are no 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 amendment of Fis 406.01(d), 407.01(d), 407.03(f), 502.07(a), (f)(3)c. & (g)(2)c. and 503.06(a)(7) and (d); the readoption with amendment of Fis 402.08, 405.04, 406.06(a) & (e), and 407.02; or readoption of Fis 406.02(a) and 406.05(a) relating to fishing rules does 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.

APPENDIX

Rule(s)	State Statute (RSA)	Federal Statute	Federal Regulation
Fis 402.08; 405.04; 406.01(d); 406.02(a); 406.05(a); 406.06(a) & (e); 407.01(d); 407.02; 407.03(f);	206:10		
Fis 502.07(a), (f)(3)c. & (g)(2)c.	206:10; 207:14		
Fis 503.06(a)(7) and (d)	206:10; 211:16-b		

Readopt with amendment Fis 402.08, effective 1/1/2005 (Doc #8119), to read as follows:

Fis 402.08 Possession and Use of Live Fish for Bait.

(a) Only the following species shall be possessed and used as live fish for bait when fishing any freshwaters of the state:

- (1) Rainbow smelt (*Osmerus mordax*);
- (2) Longnose dace (*Rhinichthys cataractae*);
- (3) Blacknose dace (*Rhinichthys atratulus*);
- (4) Northern redbelly dace (*Phoxinus eos*);
- (5) Lake chub (*Couesius plumbeus*);
- (6) Creek chub (*Semotilus atromaculatus*);
- (7) Fallfish (*Semotilus corporalis*);
- (8) Golden shiner (*Notemigonus crysoleucas*);
- (9) Common shiner (*Luxilus cornutus*);
- (10) Emerald shiner (*Notropis atherinoides*);
- ~~(11) Bridle shiner (*Notropis bifrenatus*);~~
- ~~(1211)~~ Spottail shiner (*Notropis hudsonius*);
- ~~(1312)~~ Silvery minnow (*Hybognathus nuchalis*);
- ~~(1413)~~ Creek chubsucker (*Erimyzon oblongus*);
- ~~(1514)~~ Longnose sucker (*Catostomus catostomus*);
- ~~(1615)~~ White sucker (*Catostomus commersoni*); and
- ~~(1716)~~ Killifish/tomcod (*Fundulus* sp.).

Readopt with amendment Fis 405.04, effective 1/1/2008 (Doc #9005) to read as follows:

Fis 405.04 Cusk Fishing.

(a) In addition to angling and ice fishing cusk may be taken through the ice by the use of a cusk fishing device as follows:

- (1) All cusk fishing devices shall be plainly marked with the name and address of the person setting, using and having control of it;
- (2) The sinker of the cusk fishing device shall rest on the bottom of the waterbody being fished;

(3) A person fishing for cusk through the ice with cusk fishing devices, may set such devices and leave them unattended except that once during each 24 hour period said person shall visually inspect the bait end of the line; and

(4) While fishing with a cusk fishing device the activity of "bobbing," "jigging," or any activity so as to attract fish by movement of the bait by the user shall be prohibited.

(5) Cusk fishing devices shall only be used in:

- a. First Connecticut Lake in Pittsburg;
- b. Second Connecticut Lake in Pittsburg;
- c. Third Connecticut Lake in Pittsburg;
- d. Lake Francis in Pittsburg;
- e. Newfound Lake in Bristol, Alexandria, Bridgewater, and Hebron;
- f. Silver Lake in Madison;
- g. Big Squam Lake in Holderness, Center Harbor, Sandwich, Moultonboro;
- h. Little Squam Lake in Holderness, Ashland;
- i. South Pond in Stark;
- j. Sunapee Lake in Newbury, New London, Sunapee;
- k. Wentworth Lake in Wolfeboro;
- l. Lake Winnepesaukee in Alton, Center Harbor, Gilford, Laconia, Meredith, Moultonboro, Tuftonboro, and Wolfeboro; ~~and~~
- m. Winnisquam Lake in Belmont, Sanbornton, Laconia, Tilton, and Meredith; and
- n. Merrymeeting Lake in New Durham;
- o. Waukewan Lake in Meredith;
- p. Lovell Lake in Wakefield;
- q. Wentworth Lake in Wolfeboro; and
- r. Ossipee Lake in Freedom and Ossipee.

(b) Any fish other than cusk taken on a cusk fishing device shall be immediately liberated by cutting the line without removing the fish from the water.

Amend Fis 406.01(d) effective 1-1-06 (Doc #8442), as amended 1-1-2007 (Doc #8671) and 1-1-2008 (Doc #9005) 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

Bryant Pond	Canaan, Dorchester	Fis 406.0205(a)	Fis 406.06(a)
Derby Pond	Canaan, Orange	Fis 406.0205(a)	Fis 406.06(a)
Sunapee Lake	Newbury, New London, Sunapee	Fis 406.04(i)	Fis 406.06(a)(e)

Readopt Fis 406.02 (a) effective 1-1-06 (Doc #8442), as amended by 1-1-07 (Doc #8671), 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 30th.
- (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.

Readopt 406.05 (a), effective 1/1/08 (Doc #9005), 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.

Readopt Fis 406.06 (a), effective 1/1/2006 (Doc #8442), cited and to read as follows:

Fis 406.06 Tributaries to Lakes and Ponds.

(a) Tributaries to this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be managed for trout subject to the following restrictions:

- (1) The open season for taking of all species, except salmon and smelt, shall be January 1 through October 15;
- (2) The daily limit for brook trout shall be 5 fish or 5 pounds of fish whichever limit shall first be reached;
- (3) The open season for taking smelt shall be January 1 through March 14 and June 16 through October 15;
- (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) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
- (8) The daily limit for all other species shall be as provided in Fis 403.

Amend Fis 406.06, effective 6/1/06 (Doc #8442), by inserting paragraph (e) to read as follows:

(e) Tributaries to this waterbody as referenced in Table 400.1 in Fis 406.01(d) shall be subject to the restrictions in Fis 406.06(a) except all tributaries shall be closed to all fishing from October 16 through May 31.

Amend Fis 407.01 (d) effective 1-1-06 (Doc #8442), amended 1-1-07 (Doc #8671) and amended 1-1-08 (Doc #9005) to read as follows:

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
Contoocook River		
- from Contoocook Lake downstream to the area marked with signs and wire in West Henniker	Jaffery, Peterborough, Hancock, Greenfield, Bennington, Antrim, Deering, Hillsboro, Henniker	Fis 407.03 (a)
- from a point 2,500 feet above the paper mill dam in West Henniker, marked by signs and wire, upstream approximately one mile to a point marked by signs and wire	Henniker	Fis 407.02 (g)
- from a point 2,500 feet above paper mill dam in Henniker to the Lower Falls Dam in Boscawen including the Hopkinton Everett Flood Control Area	Henniker, Hopkinton Concord, Boscawen	Fis 407.03 (a)
- from the Lower Falls Dam in Boscawen to the confluence with the Merrimack River	Penacook, Boscawen	Fis 407.03 (c)
Diamond River		Fis 407.02 (e)
- from the Dead Diamond River and Swift Diamond River confluences down to the mouth at the Magalloway River confluence	Second College Grant	Fis 407.03(f)

Sugar River

Fis 407.02 (e)

except:

- Kellyville Bridge to the
so-called Oak Street Bridge

Kellyville

Fis 407.02 ~~(a)~~(p)

Readopt with amendments Fis 407.02 effective 1-1-08 (Doc #9005) 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;
- (10) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
- (11) 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;
- (8) Fishing through the ice, from the ice, or from any object supported by the ice, shall be prohibited; and
- (9) 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;
- (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 trap 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 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 trap 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 ~~October 15~~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) 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;

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

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

(12) 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.

(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;
 - (9) 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.
- (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. Smelt shall only be taken 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;
 - (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 trap 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;
 - (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.
- (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) The daily limit for all other species shall be provided in Fis 403; and
- (12) 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

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

Amend Fis 407.03 (f), effective 1-1-08 (Doc #9005) to read as follows:

Fis 407.03 Other Waters.

(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 fish-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;

(35) 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.

(46) 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

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

Amend Fis 502.07 (a), (f)(3)c. and (g)(2)c., effective 7-16-04 (Doc #8120), cited and to read as follows:

Fis 502.07 Importation of Finfish for Bait.

(a) Licensed bait dealers shall obtain the permit described in Fis ~~404.03~~1104.03 before importing any shipment or lot of bait fish from hatchery sources or wild stock.

(f) Except as provided in paragraph (h), the following restrictions shall apply to the importation of bait fish from hatchery sources:

(3) Inspection shall include but not be limited to the following:

c. Examination for fish pathogens such as, but not limited to *Edwardsiella tarda*, *Bothriocephalus acheilognathi*, ~~*Pleistophora ovariae*~~, *Cryptobia* sp., excluding ectoparasitic species, and *Sanguinicola* sp.

(g) Except as provided in section (g), the following restrictions shall apply to the importation of bait from non-hatchery sources such as wild/feral fish:

(2) The inspection shall include but not be limited to the following:

c. Examination for fish pathogens such as, but not limited to *Edwardsiella tarda*, *Bothriocephalus acheilognathi*, ~~*Pleistophora ovariae*~~, *Cryptobia* sp., excluding ectoparasitic species, and *Sanguinicola* sp; and

Amend Fis 503.06 (a), by adding subparagraph (7), and amending (d) effective 1-1-05 (Doc #8119) so that (a)(7) and (d) are cited and read as follows:

Fis 503.06 Bass Tournament.

(a) In addition to the general restrictions specified in Fis 503.01 – Fis 503.05, bass tournaments shall also be subject to the following:

(7) Bass tournaments held May 15 to June 15 shall be subject to the following:

a. Black bass shall be immediately released at location of capture;

b. Prior to release, black bass may be quickly measured or weighed;

c. Black bass shall not be held in a live-well or otherwise retained longer than the time required for the fish to be measured or weighed prior to immediate release; and

d. Weigh-ins shall not be allowed during these tournaments.

(d) There shall be no fee for bass tournaments where all fish are measured or weighed at the location of capture and immediately released at the location of capture.