

**Readopt with amendment Fis 503.02, eff 4-1-14 (Doc #10541), to read as follows:**

Fis 503.02 Permit Required.

- (a) No person shall conduct a fishing tournament without obtaining a fishing tournament permit as described in Fis 1104.05.
- (b) A permit issued for a fishing tournament shall be valid for no longer than 3 consecutive days.
- (c) No permit shall be required for fishing tournaments held on private ponds where no state fish are provided by the department.
- (d) No permit application shall be required for intra-scholastic fishing tournaments.
- (e) The requirement to apply for or obtain a permit shall be waived by the executive director if:
  - (1) The proposed tournament is to take place entirely within the coastal and estuarine waters as defined in Fis 601.01; and
  - (2) The species targeted in the tournament are fish that spend all or a portion of their existence in the Atlantic ocean.

**Readopt Fis 601.05, 601.06, 601.07, 602.05, 602.10, and 603.18, eff. 10-22-08 (Doc # 9299), to read as follows:**

Fis 601.05 "Waters under the jurisdiction of the state" means those waters described in RSA 1:14 and 1:15.

Fis 601.06 "Single hook artificial lure" means a lure with one single hook with not more than 3 hook points.

Fis 601.07 "Mobile gear" means fishing gear that is mechanically or manually drawn, pulled or dragged through the water for the purpose of entrapping and taking of marine species. The term includes but is not limited to purse seine, Scottish seine, beam trawl, midwater trawl, otter trawl, pair trawl, or drag seine in any form. The term does not include cast nets, dip nets held in hand, hook and line, and seines less than 50 square feet, and stationary gill nets anchored on each end.

Fis 602.05 Seining Restriction.

- (a) Seines used for the taking of marine species from estuarine and harbor waters of the state shall not be greater than 50 square feet. The mesh size shall be no smaller than 1/2 inch. For purposes of this section, "harbor waters" means any waters of a harbor inland of the most seaward jetty or daymarker.
- (b) Seines shall only be manually drawn, pulled, or dragged through the water.

Fis 602.10 Lobster Trap Construction.

(a) No person shall fish for or take lobsters unless the trap is equipped with unobstructed escape vents or gaps in the parlor section which shall have:

- (1) A rectangular or oblong escape vent not less than  $1 \frac{15}{16}$  inches by  $5 \frac{3}{4}$  inches located next to the bottom edge;
- (2) At least 2 circular escape vents not less than  $2 \frac{7}{16}$  inches in diameter;
- (3) A gap caused by raising, modifying or separating horizontal laths to comply with paragraphs (1) or (2);
- (4) A gap caused by separating or modifying vertical laths to comply with paragraph (1);
- (5) A gap caused by separating both ends of 2 laths  $1 \frac{3}{4}$  inches on the top of the parlor section next to the middle bow or supporting frame and directly over the parlor head; or
- (6) In a wire or plastic trap, a gap created by cutting vents in the side or end to comply with paragraphs (1) or (2).

(b) No person shall set, raise, haul, or transfer any lobster trap unless the trap is equipped with an escape vent as required in this section or has been exempted under (c) below.

(c) The executive director shall exempt specific trap designs from the escape vent requirements of this section if it is statistically proven that the specific trap design will only take crabs and is incapable of taking lobsters. Any such trap design shall be approved by the executive director in writing after inspection by an agent for the executive director.

(d) In addition to the escape vents required in (a), all traps used to fish for or take lobsters shall have at least 2 runners or sills and an escape panel designed as follows:

- (1) For a rectangular wire or plastic mesh trap:
  - a. At least 2 parallel runners or sills attached to the bottom of the trap running along the entire length of the exterior;and
  - b. An unobstructed escape panel which shall be:
    1. Located in the parlor section on the sides or end;
    2. Hinged at the top of positively buoyant panels or at the bottom of negatively buoyant panels;
    3. Tied with an untreated natural fiber such as cotton, sisal, hemp or jute not exceeding  $\frac{3}{16}$  inches in diameter before immersion in sea water, or a piece of non-stainless, uncoated ferrous metal wire not exceeding  $\frac{3}{32}$  inches in diameter; and
    4. Of sufficient size to create an opening of at least  $3\text{-}\frac{3}{4}\text{'}$  x  $3\text{-}\frac{3}{4}\text{'}$  when the panel is removed or opened;

- (2) Any non-rectangular wire or plastic mesh trap shall have at least 2 runners or sills and shall have an escape panel designed to create a space of at least 3-3/4" x 3-3/4" when open;
- (3) The construction design of the runners, or sills, and the escape panels of a non-rectangular wire or plastic mesh trap shall be approved in writing by the executive director after inspection by his agent shows that the design of the trap will fish the same as the criteria for traps under (d)(1), above;
- (4) Nothing shall be placed in the parlor section of any rectangular wire or plastic mesh trap, whatever the design, which would obstruct the 3-3/4" x 3-3/4" escape panel after disintegration of the natural fiber or other material;
- (5) For a wood lath half-round or so-called "round" or wood rectangular trap:
  - a. Every wood lath half round or so-called "round" or wood rectangular trap shall have at least 2 parallel runners or sills on the bottom, running the entire length of the trap exterior;
  - b. Every wood lath half-round or so-called "round" or wood rectangular trap shall have an unobstructed escape panel which shall be:
    1. Created by one untreated, softwood lath running the full length of the parlor section, which shall:
      - (i) Have the same dimensions as the other laths on the trap;
      - (ii) Not be located where it will rest on the sea-bottom; and
      - (iii) After disintegration, leave a space of at least 3.0 inches between adjacent laths; and
    2. An opening of at least 3.0 inches between adjacent laths, running the length of the parlor section which is laced with an untreated natural fiber such as cotton, sisal, hemp, or jute not exceeding 3/16 inches in diameter before immersion in sea water; and
  - c. Nothing shall be placed in the parlor section of a wood lath half-round or so-called "round" or wood rectangular trap which might obstruct the 3 inch opening after disintegration of the untreated lath or natural fiber lacing; and
- (6) Any other type of wooden trap shall have runners or sills as described in (5)b.1. and an unobstructed escape panel laced with an untreated natural fiber such as cotton, sisal, hemp or jute not exceeding 3/16 inches diameter before immersion in sea water to provide a minimum opening of at least 3 3/4" x 3-3/4" in the parlor section when lacing disintegrates.
- (e) The executive director shall exempt a specific trap design from the provisions of Fis 602.10(d) if the trap design will take only crabs and is incapable of taking lobsters.

(f) Any such trap design that meets the requirements of (e) above shall be approved by the executive director in writing after inspection by his agent.

Fis 603.18 Goosefish.

(a) No person shall take or possess goosefish (*Lophius americanus*) less than 17 inches total length or goosefish tails less than 11 inches as measured from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin.

(b) Goosefish livers landed shall not exceed 25% of the total weight of goosefish tails or 10% of the total weight of whole goosefish on any trip. If a vessel lands both goosefish tails and whole goosefish the following weight ratio shall not be greater than 10%.

(c) To calculate the weight ratio for goose liver to both goosefish tails and whole goosefish, a person shall multiply the weight of goosefish tails by 2.57 and add the product to the weight of whole goosefish, then divide this number into the weight of the goosefish livers as in the formula: Weight of livers/((weight of tails X 2.57) + weight of whole fish).

**Readopt with amendment Fis 610.01, eff. 10-22-08 (Doc # 9299), to read as follows:**

Fis 610.01 Clams, Mussels and Oysters.

(a) All containers, bags or receptacles containing clams, mussels or oysters, shucked or unshucked shall at all times bear a label or tag legibly marked with the name and address of the producer and the shipper. In addition the label or tag shall be marked with the number of the department of health and human service's shellfish certificate, the location where taken, the date when taken and the clams, mussels or oysters shall be in accordance with RSA 143:21 in order to be possessed in the state of New Hampshire.

(b) In accordance with Fis 610.01(a) all labels or tags shall remain attached to any container, bag or receptacle of clams, mussels or oysters until they are processed and in compliance with the provisions of RSA 143:22.

(c) An accurate daily record shall be kept by all certified establishments listing the names and addresses of all persons from whom lots of shellfish are received, the location of the source of each lot, and the names and addresses of all persons to whom lots are shipped or sold. Such records shall be kept on file for 60 days, and shall be open to inspection by agents of the fish and game department at any reasonable time.

## Appendix

Rule Number	Statute Implemented	Federal Statute	Federal Regulation
Fis 503.02	RSA 211:16-b		
Fis 601.05	RSA 211:62		
Fis 601.06	RSA 211:62		
Fis 601.07	RSA 211:62		
Fis 602.05	RSA 211:62		
Fis 602.10	RSA 211:62	16 USC Sec 5101	50 C.F.R. Part 697
Fis 603.18	RSA 211:62	16 USC Sec 5101	50 C.F.R. Part 697
Fis 610.01	RSA 211:62		