

Advocacy Alert: Proposed Changes to Magalloway River Fishing Rules

Please read this important memo sent to all NH and ME TU Chapters. New Hampshire Fish and Game (NHFG) has posted a formal notice of intent to change the current regulations on the Magalloway River which will have a detrimental effect on one of the last remaining NH and ME wild brook trout fisheries with large fish.

Please attend the public hearing **6pm, Thursday, November 30, 2017**
NHFG Headquarters, Region I, 629 B Main St, Lancaster, NH

Speak *in opposition* to the proposed changes. It is very important that there is a good turnout of NH and ME TU representatives.

Please circulate this memo to other fishing organizations and friends.

If you cannot attend the hearing, please submit written comments by December 8, 2017 by letter, fax or email to:

Paul G. Sanderson, Esq.

New Hampshire Fish and Game

11 Hazen Drive, Concord, NH 03301

Fax: (603) 271-1438

Email: comments@wildlife.nh.gov

** Be sure to specify **Regulation Fis 407.03(f)**.

If questions, please contact us at: concordtu@yahoo.com.

PROPOSED RULE CHANGES: Amend Fis 407.01, Table 400.2; add Fis 407.03(f)

Current Rule: All portions of the Magalloway in NH and ME have special regulations, Fis 407.01(d), requiring catch and release of all brook trout, use of single barbless lures or flies only (*no bait*), with a season from January 1 to September 30. This was adopted to protect the incredible interstate wild brook trout fishery that includes fish up to 5 pounds.

Proposed Rule: Amendment Fis 407.01, Table 400.2, to subject certain portions of the Magalloway River (from the confluence of Sturtevant Pond Brook to Umbagog Lake - see map) to new regulations proposed in amendment to Fis 407.03 (f) that would allow the open season for taking of all species of fish *with bait* from June 1 to September 1. Allows use of bait (but no use or possession of live fish as bait), using a single barbless hook or hook with the barb pinched down. Requires that all brook trout be immediately released.

TALKING POINTS THAT NEED TO BE MADE

- This regulation is intended to provide a local place for additional bullhead catfish fishing for a small group of anglers. However, there are many other locations nearby where these anglers can fish for bullheads, including in the nearby Androscoggin River, *where regulations were changed a few years ago to accommodate these anglers.*
- This is the last wild brook trout fishery of its kind in NH and one of the last in ME. If it is damaged or destroyed, there is **NOTHING TO REPLACE IT**. There are many places in NH where bullheads are plentiful. NHFG *is risking a one of a kind world class fishery to satisfy a small local population that has many other places to fish for bullheads.*
- The decision to adopt this regulation and risk this unique fishery is *without sufficient supporting scientific evidence* related to the section of the Magalloway and the period of time affected by the proposed change.
- NHFG *does not* know:
 1. The mortality rate on brook trout caught with bait, which is often swallowed deeply, and released;

2. Whether significant numbers of brook trout stay or pass through the affected section of the river during June, July and August even though the Magalloway is generally a tailwater fishery with cooler temperatures providing refuge and temperature relief to brook trout from all over the watershed during June, July, and August. Prior studies *do not include sufficient numbers of tagged fish* to understand numbers of brook trout, habitat use and movement in the affected section, particularly since no targeted tagging for this section, or any habitat surveys, have been done;
 3. Whether brook trout from places other than the Diamond rivers or the Magalloway use the affected section during June, July, and August;
 4. Whether available telemetry studies include enough years of data to capture the full range of year to year variations, such as low or high water conditions;
 5. What angler pressure is likely to be in the affected area *since no creel census of this section has been done*;
 6. Whether there are spring holes or holding areas where brook trout will congregate and be caught easily in the affected section during the proposed season.
- Experience gained during the trout research project shows that brook trout are more easily caught with worms or bait than with other angling methods. Bait was used to obtain fish for tagging when other methods failed.
 - Instead of first gathering scientific evidence to show that the proposed change will not damage this one of a kind trout fishery before making a change, NHFG is taking the position that *the absence* of such evidence supports the unscientific assumption that the proposed change will not have a detrimental effect on a fishery that cannot be replaced. This is not sound policy or fisheries management, and sets a bad precedent for other regulation changes in the future.
 - Current NH and ME regulations were adopted to protect brook trout only a few years ago *after detailed scientific evidence in the form of tracking studies clearly established that the wild brook trout in this watershed travel far and wide, and do stay and pass through the affected section of the Magalloway at various times of the year*. In fact, NH and ME both *tightened and standardized their regulations so they would be the same on both sides of the border*. There is no new evidence since then to justify a change in these regulations after such a short period of time.
 - Extensive tracking studies to date clearly establish that the biological principle of connectivity is critical in this watershed. There are no “Maine” fish or “New Hampshire” fish. There are fish that travel all over the watershed and cross the state line frequently to use its different parts at different times. Therefore, *the entire watershed must be managed as a unit*. Regulations should be uniform on both sides of the state line. *No change in one state should be made until fisheries managers from both states thoroughly study the matter and come to a consensus conclusion supported by adequate scientific data*.
 - For almost 10 years, hundreds of NH anglers, joined by hundreds of anglers from ME, New England, and elsewhere, have supported an ongoing research and preservation project led by Dianne Timmins of NHFG to protect this world class fishery, and have helped raise thousands of dollars in private funds to support this effort.

In June, 2017, nine NH and ME TU Chapters and Councils donated \$10,150 for this project. Since the hearing in Errol, NH in August, 2017, a \$9,490 grant from TU’s Embrace A Stream program was awarded; additional funds totaling over \$27,000 have been raised to support this program, bringing the total raised in 2017 to \$36,500 from more than 100 donors, many of them from NH.

NH anglers care deeply about this unique wild brook trout resource. Thank you for your support.

Summary of Proposed Changes to Magalloway River Fishing Rules

Map Showing Proposed Amendment to Fis 407.01, Table 400.2

Proposed Magalloway River Regulation Changes

**Public Hearing: 6pm Thursday, November 30, 2017
NHFG Region 1 Office, Lancaster, NH**

Open this section (from Sturtevant Pond Brook to Lake Umbagog) to:

1. Use of bait (but no use or possession of live fish as bait) using a single barbless hook or hook with barb pinched down;
2. from June 1 through Labor Day.

Concerns expressed by Sebege TU and Jeff Reardon (TU national):

This is the last wild brook trout fishery of its kind in NH and one of the last in ME. Currently both states have aligned rules to protect the wild trout within this area of the watershed.

NHFG does not know:

- The mortality rate of brook trout caught with bait;
- The numbers of brook trout that pass through this section in June, July and August (although Magalloway is a generally a tailwater fishery providing thermal refuge);
- Whether brook trout from other areas beyond the Diamond Rivers and Magalloway use the affected section in June, July and August;
- Whether available telemetry studies include enough years to capture the full range of year to year variations, such as low or high flows;
- What angler pressure is likely to be in the affected areas since no creel census of this section has been done;
- Whether there are spring holes or holding areas where brook trout will congregate and be caught easily in the affected section during proposed season.

Above map shows approximate location of new section from confluence of Sturtevant Pond Brook with Magalloway River (44.840273°N, 071.050583°W) to the confluence of Magalloway River and Lake Umbagog (44.795602°N, 071.061793°W). *Please note: datum written in proposed Fis 407.01, Table 400.2 is not expressed correctly.*

Comparison Chart Showing Proposed Fis 407.03(f)

<i>Current Rule: Fis 407.01(d)</i>	<i>Proposed: Amend Fis 407.01, Table 400.2, Add Fis 407.03(f)</i>
<p>(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:</p> <ol style="list-style-type: none"> (1) The open season for taking of all species, except salmon and smelt, shall be January 1 through September 30; (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: <ol style="list-style-type: none"> a. Single hook artificial lures and flies; and b. All hooks shall be barbless or have all barbs pinched; and (6) Fishing through the ice, from the ice or from any object supported by the ice shall be prohibited. 	<p>(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:</p> <ol style="list-style-type: none"> (1) The open season for taking of all species, except salmon and smelt, shall be January 1 to September 30; (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) {NEW} All lines must be attended at all times; (6) {NEW} From January 1 to May 31, and the day after Labor Day to September 30, all fish shall only be taken with: <ol style="list-style-type: none"> a. Single hook artificial lures and flies; b. All hooks shall be barbless or have all barbs pinched; and c. Fishing through the ice, from the ice, or from any object supported by the ice shall be prohibited. (7) {NEW} From June 1 to Labor Day, all fish shall only be taken with: <ol style="list-style-type: none"> a. Single hook artificial lures and flies; b. With bait, only a single hook with a single hook point; c. All hooks shall be barbless or have all barbs pinched; and d. Use or possession of live fish for bait shall be prohibited.