

Fly-Fishing Outlaws

BY ED MITCHELL

Illustration Al Hassall

IN THE spring of this year, a conservation officer saw two anglers Euro nymphing in a fly-fishing-only stretch of river in Connecticut and asked them to leave. Euro nymphing is a popular method using a very long, thin leader at short distance to present subsurface flies. Because the goal of Euro nymphing is to eliminate the drag caused by a thick fly line, Euro nymphers often have their entire fly line wound on their fly reel while fishing, and some devotees don't bother putting a fly line on the reel at all.

Bill Hyatt, chief of the Connecticut Bureau of Natural Resources, told me that these anglers either had no fly lines on their reels, or had no fly lines visible. As a result, the officer wasn't certain their tackle conformed to the state definition of fly fishing which is: "Angling with the use of a fly reel, fly rod, fly line, and a fly or flies. Extra weight may be built into the fly in its construction, as in a weighted nymph, and additional weight may be added to the leader or line."

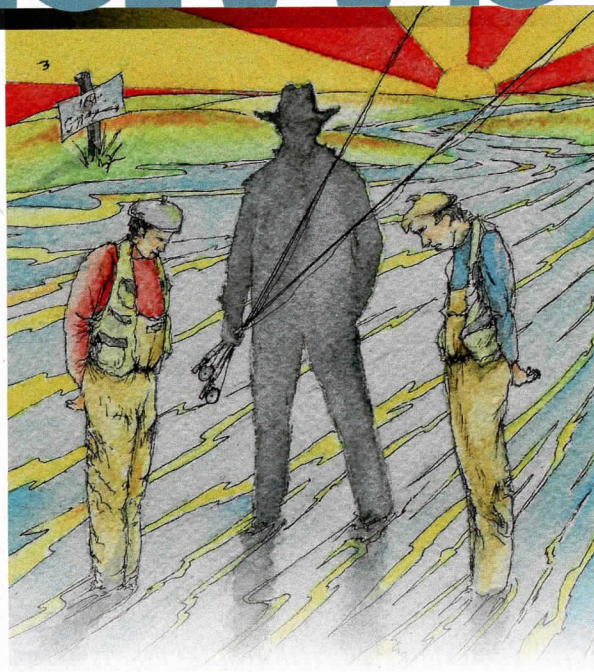
Given that tenkara anglers lacked a fly reel altogether, I asked him if that might be a concern as well. He said the department was in the process of rewriting the regulations in 2018 to accommodate tenkara, and added that they may also have to consider new language to allow Euro nymphing as well.

Across the country, state fish and game departments have historically regulated fly-fishing-only waters using a traditional definition of fly-fishing tackle that includes a fly rod, fly reel, fly line, and a fly. The recent incident in Connecticut, however, shows that the growth of Euro nymphing and tenkara—and possibly other techniques—has thrown those regulations into question. Are these fishing styles legal in other jurisdictions? With that question in mind, I began to investigate fly-fishing-only regulations across the land. It proved to be a can of worms.

Time and space constraints did not permit me to research all fifty states, but I learned enough to shed light on the potential pitfalls.

Yellowstone National Park

Yellowstone National Park has some of the most famous fly-fishing-only waters in the country, including the Firehole and the Madison. Its fly-fishing regulations are the simplest I've come across: "Only artificial flies may be used to attract and catch fish, regardless of the type of rod



or line. Each fly may have only one hook. Up to two flies may be used on a single leader."

Frankly, the openness of the regulations caught me off guard. So to be sure, I spoke with Jonathan Shafer in the park's public affairs office. He confirmed that in these special waters, anglers do not need to use a fly rod, fly reel, or even a fly line. As long as you are fishing with a fly, any type of rod and reel is permissible. Without question, both tenkara and Euro nymphing are legal in Yellowstone's fly-fishing-only waters.

Maine

Maine has had a long love affair with fly-fishing, one richly soaked in tradition. As a result, the state has more fly-fishing-only water than perhaps any other state. And like Yellowstone National Park, some are fabled waters like Grand Lake Stream, the Kennebec, the Rapid River, and the Magalloway. But Maine's fly-fishing-only regulations seem stricter: "Casting upon the water and retrieving in a manner in which the weight of the fly line propels the fly. No more than three unbaited artificial flies individually attached to a line may be used."

This regulation is unlike any other I found in the country. Its entire focus rests on employing a fly line to both cast and retrieve the fly. While the intent of this

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language may be to preclude trolling in fly-only water, it also appears to preclude Euro nymphing. Typically Euro nymphers cast a long monofilament leader, not a fly line. In the Aug.-Sep. 2017 issue of FLY FISHERMAN, author Lance Egan suggests Euro leaders of 18 to 22 feet in his article "Low & Slow." Using this leader length with weighted flies, it's easy to see the flies are not "propelled" by the fly line (which is mostly inconsequential). It's the weight of the flies themselves and added weight that carries the flies.

For clarification, I called Mark Latti, outreach coordinator for the Maine Inland Fisheries and Wildlife. He was surprised by my inquiry. To his knowledge, the question of Euro nymphing had never before come up. Still he was eager to look into the matter. After a few more conversations, Mark felt that tenkara was not an issue in Maine's fly-only waters since there is a short section of level fly line. He described Euro nymphing as a "gray area" and cautioned that should Euro nymphing become more popular, the state might have to adjust its regulations accordingly.

Pennsylvania

Pennsylvania's fly-fishing-only regulations protect hallowed waters like Letort Spring Run, and Falling Spring Branch: "Fishing must be done with tackle limited to fly rods, fly reels, and fly line with a maximum of 18 feet in leader material of monofilament line attached. Anything other than these items is prohibited."

Given the mention of a fly reel, I wondered if tenkara was legal in Pennsylvania's fly-only areas? And why did they have an 18-foot maximum leader? Was this an attempt to restrict Euro nymphing?

I reached out to Eric Levis, communications director of the Pennsylvania Fish & Boat Commission. He was confident that conservation officers would be flexible with their interpretation of the law, and would not view tenkara as a violation. The 18-foot leader restriction, on the other hand, was a mystery to him, and he said he would look into it. More on that later.

Washington State

Washington has some popular fly-fishing-only waters on the Hoko, North Stillaguamish, White (Stuck), South Fork Nooksack, and the North Umpqua rivers. For these waters: "An angler may use only the following tackle: up to two flies, each with a barbless single-point hook, not to exceed 1/2" from point to shank, and a conventional fly line or conventional 'tenkara' fly line. Other line may be used for backing or leader if attached to conventional 'tenkara' fly line or at least 25 feet of conventional fly line. Anglers may not use fixed spool reels, bait, or weight attached to the leader or line. Only knotless nets may be used to land fish."

It's obvious that Washington recognizes tenkara, but if you have a reel, you must have 25 feet of conventional fly line. As I mentioned earlier, the Euro technique often eliminates fly lines entirely. But the lack of a fly line makes it harder for the state to separate fly fishing from spin fishing. Mike Gauvin, program manager for Washington Department of Fish & Wildlife, confirmed that you must use at least 25 feet of fly line in the state's fly-fishing-only waters, otherwise you are essentially using the same weighted lures and nylon monofilament line as a spin fisherman.

Idaho & New Hampshire

In my journey, I discovered that even when two states define their fly-fishing-only waters in similar ways, the



Illustration
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actual outcome can still vary widely. Idaho defines fly fishing as "Fishing with a fly rod, fly reel, fly line and artificial flies," while New Hampshire regulations say it's "Fishing by trolling or casting with only fly rod, fly reel, and fly line combination with an artificial fly or cast of artificial flies attached, and does not include the use of spinning, spincast, and casting rods and reels and lead core lines."

In Idaho these regulations cover Billingsley Creek, Little Wood River, Silver Creek, and the legendary Harri-man State Park. I asked Idaho conservation officer Matt O'Connell whether tenkara or Euro nymphing would pose a problem in these places. He said no, officers would always err on the side of common sense. If fly fishers appear to be fly fishing, they're within the spirit of the regulations.

In New Hampshire, Scott Decker, supervisor of fisheries, says his state looked into tenkara, but there was opposition, and as a result, tenkara isn't legal in New Hampshire fly-fishing-only areas. When asked about Euro nymphing, he suggested I speak with Lt. Heidi Murphy in the New Hampshire Fish & Game Law Enforcement Division. She confirmed that tenkara isn't allowed in New Hampshire's fly-fishing-only areas, but hoped that conservation officers would not see Euro nymphing as an issue.

In every state, it's clear that whenever you fish in a fly-fishing-only area, it's your responsibility to read, understand, and comply with the regulations. It's possible that if you're pushing the limits of fly fishing, your tackle might not conform to regulations that were written decades ago.

We should also realize that there won't likely be any more fly-fishing-only waters created by our state agencies. Consequently, if we want to protect the fly-fishing-only areas we have, we must understand that fisheries departments need to somehow define fly fishing in a way that makes our sport distinct. That's no easy task.

If you feel the regulations in your state need updating, contact the fisheries division and make a request. Wildlife officials are ready to listen. For instance, several weeks after my initial call to Eric Levis at PF&BC, he got back to me about his state's 18-foot maximum leader limit. He brought the regulation forward for discussion at a recent PF&BC board meeting, and Pennsylvania will remove the leader restriction next year. —

Ed Mitchell is the author of the self-published book *Along the Water's Edge*, available at edmitchelloutdoors.com.