

PROPOSED Commissioner's Rule

Private Stocking of Fish in Public and Private Waters

1.0 Authority

- 1.1 Title 10 V.S.A § 4081 (a) provides that the protection, propagation, control, management, and conservation of fish, wildlife, and furbearing animals in Vermont is in the interest of public welfare and that the safeguarding of these valuable resources for the people of the state requires a constant and continual vigilance.
- 1.2 This rule is adopted in accordance with 10 V.S.A. § 4605 (c) which authorizes the Commissioner to promulgate rules and require a permit prior to introducing or attempting to introduce fish species into waters of the State.

2.0 Purpose

- 2.1 The purposes of this rule are to protect the health of Vermont's fish populations by preventing the introduction of fish species or pathogens that have the potential to cause harm to the fish populations of the state, and to implement the fish management objectives of the Department.

3.0 Definitions

- 3.1 "Fish" means all live fresh- and salt-water fish species including viable fish ovum and viable fish semen.
- 3.2 "Department" means the Vermont Department of Fish and Wildlife.
- 3.3 "Commissioner" means the Vermont Department of Fish and Wildlife Commissioner.
- 3.4 "Person" means an individual, association, corporation, partnership, or municipality, or other entity.
- 3.5 "Private Fish Propagator" means a private fish culture facility that has been approved by the Department and has been issued a Vermont Fish Breeders License or Fish Importation Permit.
- 3.6 "Private Pond" means a body of standing water as defined by 10 V.S.A. § 1442 (14), that is a natural water body of not more than 20 acres located on property owned by one person or an artificial water body of any size located on property owned by one person. A "private pond" shall include a reservoir specifically constructed for one of the following purposes: snowmaking storage, golf course irrigation, stormwater management, or fire suppression.
- 3.7 "State" means State of Vermont.
- 3.8 "Stocking" means the intentional release of fish into Waters of the State of which they did not originate
- 3.9 "Waters of the State" means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, springs, and all bodies of surface waters, artificial or natural, which are contained within,

flow through or border upon the State or any portion of it, as defined by 10 VSA §1252 (13).

4.0 Fish Stocking Permit Requirements

- 4.1 A person shall not stock any Waters of the State, except a Private Pond, with no inlet or outlet to Waters of the State, with any fish species or fish eggs without first obtaining a Fish Stocking Permit from the Commissioner of the Department.
- 4.2 No person or Private Fish Propagator shall stock fish species other than those listed in 4.3 into public waters or private ponds.
- 4.3 A person or Private Fish Propagator may stock a Private Pond located on property owned by one person, with brook trout (*Salvelinus fontinalis*), brown trout (*Salmo trutta*), and rainbow trout (*Oncorhynchus mykiss*) without a permit provided that the person stocks no more than 4,000 fish annually. Stocking of brook trout, brown trout, and rainbow trout in numbers exceeding 4,000 fish in any calendar year shall require a permit from the Commissioner.
- 4.4 The Commissioner may waive the permit requirement in 4.3 for persons cooperating or partnering with the Department.
- 4.5 Fish destined for stocking shall only be obtained from Private Fish Propagators approved by the Department.
- 4.6 Private Fish Propagators and persons shall not stock Waters of the State without a permit.
- 4.7 A person who purchases trout from a Private Fish Propagator's facility, a Vermont Conservation District, or other approved source, and transports those fish themselves, shall be directly liable for compliance with the provisions of this rule.
- 4.8 This rule shall not apply to stocking conducted by Department staff or stocking conducted under the supervision of or at the direction of the Commissioner.

5.0 Permit Applications

- 5.1 All applications for a Fish Stocking Permit shall be complete and submitted to the Department on an application form provided by the Department. For an application to be considered complete, it shall be legible, shall contain all information requested by the Department, shall contain no false statements, shall bear the applicant's official signature and shall be accompanied by the required application fee.
- 5.2 During review of an application, the Commissioner shall consider the following criteria:
 - a) The water source and discharge location of the waterbody;
 - b) Fish species and fish communities in connected waters or watershed;
 - c) The health of native or naturalized fish species;
 - d) Fisheries management activities and objectives in connected waters or watershed; and
 - e) Any other information the Commissioner deems to be relevant to maintaining the health and management objectives of the Waters of the State to be stocked.

- 5.3 A permit issued under this subsection shall include conditions that ensure the health and safety of Vermont's fish communities.

6.0 Inspections

- 6.1 Persons holding a Fish Stocking Permit shall allow inspection at reasonable times of their premises, facilities, records, and fish by the Commissioner or the Commissioner's designee(s).
- 6.2 The permittee shall retain a copy of the permit and make it available for inspection by the Commissioner or the Commissioner's designee(s).
- 6.3 The permittee shall possess a copy of the permit and exhibit upon request of the Commissioner or the Commissioner's designee(s) at the time of stocking.

7.0 Quarantine, Destruction or Sterilization Where Disease and/or Harmful Species are Present

- 7.1 At the expense of the owner, the Department may require the seizure and/or destruction of any fish that the Commissioner determines:
- a) Has been stocked or possessed without a permit,
 - b) Poses a threat to Vermont fisheries, or
 - c) Is confirmed to have a fish pathogen or disease.
- 7.2 The Commissioner may require fish in commercial hatcheries or ponds under private ownership to be sterilized using a method approved by the Department at the expense of the owner, if upon inspection, a harmful fish pathogen or species is confirmed.

Public Comment Period Ends September 7, 2017. Please submit comments to catherine.gjessing@vermont.gov or shawn.good@vermont.gov or in writing to

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