

## **Baitfish Regulation Revision Proposal to Vermont Fish and Wildlife Board**

### ***9.19.18 Meeting – 1 National Life Drive, Dewey Building, Montpelier, VT***

#### ***Goal***

To review the way that we manage baitfish in Vermont and adjust regulations as needed to maintain an adequate balance between protection to Vermont's fisheries resources, providing angling opportunity, and maintaining enforceability with regards to the regulations.

#### ***Current baitfish regulations***

- Significant changes to baitfish use regulations in 2008
  - No movement of wild caught bait away from a waterbody.
  - Implementation of a baitfish receipt program for commercially purchased baitfish
  - Wild harvest of baitfish permitted but must not leave the water it was harvested on.
- Most recent change to baitfish regulations was in 2012
  - Extended the amount of time that a baitfish receipt is good for to 96 hours.
- Since 2008 there has been a considerable amount of negative feedback on the baitfish regulations regarding angler opportunity.
  - High cost of using baitfish for angling due to regulations
  - Inflexibility of use of "certified" baitfish
  - Perception that imported bait is higher risk than native bait
  - Baitfish can't be used on connected waterbodies or within a watershed
- There have also been a number of potential suggestions to improve the baitfish regulation.
  - Prohibit the importation of baitfish from out of state sources
  - VTFWD should test / certify certain waterbodies to allow for wild harvest and movement of baitfish.
  - Allow wild harvest and movement of baitfish in some sort of a geographic zonation approach.
  - Extend the time that certified baitfish can be used to 10 days to allow for greater flexibility of use.

#### ***Baitfish regulations review process***

- In May 2017 a baitfish regulations review team comprised of select fish division staff and two VTFW Board members began reviewing the baitfish regulations with the strong likelihood of coming back to the Board with a revised proposal in the future to regulate baitfish use in a manner that is in the best interest of the public and protects VT's fisheries resources.
- The team met between May 2017 and April 2018 nearly on an every other week basis to research, review, and discuss the baitfish regulations.
- The team additionally held additional "baitfish public discussion sessions" to gather public feedback and suggestions on improving the baitfish regulations.
  - 1.30.18 – Springfield

- 2.13.18 – Richmond
- 2.28.18 – Orleans
- Staff also met with the board on a regular basis to keep them updated and educated on the baitfish regulations review process.
  - 9.20.18 – General presentation to the board regarding the review process.
  - 1.17.18 – 30-minute educational update to the board on “Baitfish geographic areas of risk / use”
  - 2.21.18 – 30-minute educational update to the board on “Comprehensive evaluation of fish pathogens / aquatic nuisance species and their spread (including VHS)”
  - 4.4.18 – 30-minute educational update to the board on “Baitfish preservation techniques”
  - 4.25.18 – Presentation of concept proposal options for revising the baitfish regulations
- Fish management section staff also met internally on a number of occasions to further develop a number of options for the board to consider.
  - 2.21.18 – General presentation to the fish division regarding the baitfish regulations review process
  - 3.21.18 – Initial presentation to the fish management section of a concept baitfish regulations revision proposal
  - 4.10.18 – Special fish management section meeting to further discuss the baitfish regulations revision options.
  - 7.19.18 – Special fish management section meeting to further develop the baitfish regulations revision options.

***Baitfish Regulation Revisions Proposed (Applicable to all options)***

- Changes that do not require a board rule change:
  - Consolidated messaging regarding fish stocking and importation with various partner organizations
  - Requiring an out-of-state importation source facility to hold a separate fish importation permit from the recipient in-state facility.
  - Work with the out-of-state baitfish farms and haulers as part of a larger effort in the Northeast to create a solid chain of custody and physical safeguard program for baitfish that are imported into the Northeast.
  - Increased bait shop / wholesaler inspections from Department staff
  - Increased outreach and education regarding the dangers and risk vectors of AIS and fish pathogens and how it relates to movement of baitfish.
  - Vermont Fish and Wildlife Department would include the salt / borax method in their list of allowable methods for commercial baitfish preservation.
- Changes that would require a board rule change:
  - Clarify in the regulation what constitutes a “Commercial Bait Dealer” so that it includes operations selling live fish as bait, and not other sporting goods stores (i.e. Dicks, Walmart, Kmart) that may be selling commercially preserved baitfish in packages.
  - Change the baitfish receipt duration from 4 days to 10 days

- Baitfish receipts will list either a geographic zone that baitfish can be used within or a specific “blacklist water” that baitfish can be used on.
- Removal of baitfish regulations from §122 and create a separate section (§141)

***Baitfish Regulation Revision Option #1*** – Allowing the movement of only commercially purchased baitfish in zones (least broad proposed option)

- Establishment of two interior zones (East zone / West zone) in which commercially purchased baitfish can be moved within.
  - Exception: Certain “blacklist waters” will still remain waterbody specific and commercially purchased baitfish that are used on a blacklist water cannot be used elsewhere.
- Movement of wild harvested baitfish still remains waterbody specific.
- Establishes a different baitfish dealer designation
  - Previous regulations only permitted a “statewide” or “waterbody specific” baitfish dealer
  - This option would permit a “zoned” baitfish dealer
- Commercially purchased baitfish can be held in waters of the same baitfish zone that is listed on the baitfish receipt provided no contact with a black list water.

***Baitfish Regulation Revision Option #2*** – Allowing the movement of commercially purchased baitfish & wild harvested smelt in zones.

- Like Option 1; however, this option also allows the wild harvest and movement of rainbow smelt within zones.
- Personally harvested wild smelt can be sold to commercial “zoned” baitfish dealers provided that the smelt were caught in the same zone that the dealer is permitted for.
- Personally harvested wild smelt can be used within a baitfish zone provided that the smelt were caught in the same zone.
- A “zoned” baitfish dealer would be able to sell wild harvested rainbow smelt for use in the same zone that the dealer is permitted for (not a black-list water).
- Movement of personally harvested rainbow smelt from a black-list water is prohibited.
- Anyone who wishes to move wild harvested rainbow smelt away from a waterbody shall possess an annual wild baitfish endorsement on their fishing license.
- Personally harvested wild rainbow smelt can be held in waters of the same baitfish zone in which they were caught provided no contact with a black list water.

***Baitfish Regulation Revision Option #3*** – Allowing the movement of commercially purchased and wild harvested baitfish in zones (broadest proposed option)

- Like Option 2; however, this option extends the wild harvest and movement of baitfish from just rainbow smelt to include all other allowable baitfish species.

- Only personally harvest wild smelt can be sold to commercial “zoned” baitfish dealers provided that the smelt were caught in the same zone that the dealer is permitted for.
- A “zoned” baitfish dealer would be able to sell wild harvested baitfish for use in the same zone that the dealer is permitted for (not a black-list water).
- Personally harvested wild baitfish can be used within a baitfish zone provided that the baitfish were caught in the same zone.
- Movement of personally harvested wild baitfish from a black-list water is prohibited.
- Anyone who wishes to move wild harvested baitfish away from a waterbody shall possess an annual wild baitfish endorsement on their fishing license.
- Personally harvested wild baitfish can be held in waters of the same baitfish zone in which they were caught provided no contact with a black list water.

### ***Next steps***

- Preferred outcome of 9.19.18 – Board would take first vote to initiate rulemaking on one of the specific options proposed.
- Baitfish regulation review teams public input recommendation (5 public meetings in winter 18/19)
  - Rutland
  - St. Albans
  - SE Vermont (Springfield or Brattleboro)
  - NEK (St. Johnsbury, Newport, or Orleans)
  - Montpelier
- Fully develop wild baitfish endorsement curriculum / program (if Option 2 or 3 voted for rulemaking)

### **Baitfish Zones**

**-West Baitfish Zone** - A baitfish zone including waters lying west of a line starting at the Massachusetts border following Route 8A north to Route 112, north on Route 112 to Route 100 in Whitingham, north on Route 100 to East Jamaica, northwest on Route 30/100 to Rawsonville, north on Route 100 to Ludlow, north on Route 103 to Grahamville, north on Route 11 to Route 4, west on Route 4 to Killington, north on Route 100 to Morrisville, west on Route 15 to Hyde Park, north on Route 100 to Troy, north on Route 101 to Route 105, north on Route 105 to route 243 in North Troy, north on Route 243 to the Canadian border.

**-East Baitfish zone** - A baitfish zone including waters lying east of a line starting at the Massachusetts border following Route 8A north to Route 112, north on Route 112 to Route 100 in Whitingham, north on Route 100 to East Jamaica, northwest on Route 30/100 to Rawsonville, north on Route 100 to Ludlow, north on Route 103 to Grahamville, north on Route 11 to Route 4, west on Route 4 to Killington, north on Route 100 to Morrisville, west on Route 15 to Hyde Park, north on Route 100 to Troy, north on Route 101 to Route 105, north on Route 105 to route 243 in North Troy, north on Route 243 to the Canadian border.

### **Black List Waters**

**-Connecticut River** – defined as all waters of the river including the bays, setbacks, and tributaries, only to the first highway bridge crossing said tributaries on the Vermont side. Also including the following tributaries to the following boundaries:

- Ottaquechee River to the top of the North Harland Dam in the town of Hartland
- West River to the Interstate 91 highway bridge in the town of Brattleboro

**-Lake Champlain** (see 10 App. §122 Section 7.0) including setbacks at the same level and tributaries to the following boundaries:

- Dead Creek to Panton Road bridge in Panton
- East Creek to the falls in Orwell (downstream of Mount Independence Road)
- Lamoille River to the top of the first dam (Peterson Dam) in Milton
- LaPlatte River to the falls in Shelburne (under Falls Road bridge)
- Lewis Creek to falls in North Ferrisburgh (just upstream of Old Hollow Road)
- Little Otter Creek to falls in Ferrisburgh Center (downstream of Little Chicago Road)
- Malletts Creek to the first falls upstream of Roosevelt Highway (US 2 and US 7) in Colchester
- Mill River in Georgia to the falls in Georgia (just upstream of Georgia Shore Road bridge)

- Missisquoi River to the top of Swanton Dam in the Village of Swanton
- Mud Creek to the dam in Alburg (just upstream of Route 78 bridge)
- Otter Creek to the top of the dam in the city of Vergennes
- Poultney river to Central Vermont Power Dam at Carver Falls in West Haven
- Rock River to the first Canadian border crossing
- Winooski river to the Winooski One hydropower dam west of Main Street (US 7) in Winooski and Burlington

**-Lake Bomoseen**

**-Lake Carmi** including the outflow to the top of Mill Pond Dam in the town of Franklin.

**-Lake Memphremagog** including the following tributaries:

- Clyde River to the top of the abandoned Mill Dam immediately upstream of the Number 1, 2, 3 hydroelectric powerhouse in Newport City
- Barton River to the downstream side of the US Route 5 bridge southernmost and closest to the village of Barton.
- Johns River to the downstream edge of the bridge on Beebe Road (TH #3) in the town of Derby
- Halls Brook to the headwaters
- Black River to the top of the falls at Old Harmon Mill in the town of Coventry

**-Lake St. Catherine**

**-Battenkill** and its associated tributaries