



Test Water
Designation

Vermont Fish and Wildlife Department

1 National Life Drive, Davis 2
Montpelier, VT 05620-3702, 802-828-1000
STATUTORY AUTHORITY: 10 V.S.A. SECTION 4142

Berlin Pond

Pursuant to the provisions of 10 V.S.A. § 4142, Berlin Pond, as described below are hereby designated as Test Waters from January 1, 2016 through Dec 31, 2018.

1. Findings

- A. Berlin Pond is a 256 acre water supply reservoir serving the City of Montpelier and located in the Town of Berlin. All surface water activities, including fishing, were restricted until May 2012, when the Vermont Supreme Court determined that the City of Montpelier had no authority to do so. Fishing is now allowed on Berlin Pond if legal access to the pond can be obtained.
- B. Previous sampling conducted by the Vermont Department of Fish and Wildlife in 1979 and 1995 indicates that Berlin Pond supports yellow perch, pumpkinseed, brown bullhead, chain pickerel, largemouth bass and smallmouth bass.
- C. According to the 2010 Vermont Angler Survey, largemouth and smallmouth bass are among the top five most popular fish species sought by Vermont resident and non-resident anglers, while yellow perch is the most preferred fish species for ice fishing identified by Vermont resident anglers.
- D. Berlin Pond is currently managed under the General Fishing Regulations for lakes and ponds. These regulations allow each angler a daily creel limit of five bass per day greater than or equal to 10 inches in length from the second Saturday in June to November 30th and fifty yellow perch per day year-round.
- E. Studies of unexploited fish populations, like those in Berlin Pond, suggest that these populations are often comprised of a high proportion of old, slow growing fish which may be vulnerable to rapid depletion when opened to fishing. Early monitoring of the winter yellow perch fishery indicated high fishing effort and catches of large yellow perch.
- F. To avoid the potential for rapid depletion of bass and to maintain bass fishing quality over the next several years, a "catch and release" or "no kill" Test Water for largemouth bass and smallmouth bass is proposed. In addition, to spread the catch of these large perch among a larger number of anglers in an effort to maintain yellow perch fishing quality over the next several years, a reduced daily creel limit of 10 yellow perch was implemented in 2013. This Test Water designation will provide the Fish and Wildlife Department time to obtain the necessary information on these populations and the Berlin Pond fishery to develop appropriate long term regulation proposals.
- E. Fish population and winter angling surveys conducted since 2013 indicate that yellow perch populations are still skewed to large sized fish and warrant continued protection through a reduced daily creel limit. Due to access limitations to Berlin Pond, further information on largemouth bass population status is limited.

2. Statutory Determination

- A. Pursuant to 10 V.S.A. § 4142, the Commissioner of the Vermont Fish and Wildlife Department may, for the purpose of securing data relative to the propagation of fish, designate streams and ponds as test waters within the state.
- B. The Commissioner has determined that the designated Test Water is critical to the conservation and propagation of the species in those waters. (See Findings 1.A.-E.)

3. Conditions of the Test Waters

During the above specified period, fishing in Berlin Pond (Berlin) shall be in accordance with the following:

- A. Annually, from the second Saturday in June through November 30, all largemouth bass and smallmouth bass caught by anglers must be immediately released. General fishing regulations apply for largemouth and smallmouth bass outside of these dates.
- B. Year-round: The daily creel limit for yellow perch is 10 fish.

Authorized by: _____ Date: _____
Louis Porter, Commissioner