



Test Water
Designation

Vermont Fish and Wildlife Department

Dewey Building, 1 National Life Drive
Montpelier, VT 05620, 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 is hereby designated as Test Waters from January 1, 2019 through Dec 31, 2023.

1. Findings

- A. Berlin Pond in the Town of Berlin is a 256-acre natural pond augmented by a dam. It serves as the drinking water supply for the City of Montpelier. The City of Montpelier has for many decades posted signs around the pond, prohibiting various activities. These signs discouraged and limited fishing activity until 2012 when a Vermont Supreme Court decision opened Berlin Pond to recreational use including fishing. The public may access the pond legally along Mirror Road, by virtue of Vermont Agency of Transportation roadway ownership and through the Vermont Fish and Wildlife Department access area along Brookfield Road. *Vermont Use of Public Waters Rules* (as amended, effective March 1, 2007) prohibits the use of internal combustion motors, personal watercraft, and aircraft from May through November, and limits motor-powered vessels to 5 miles per hour.
- B. A test waters designation on Berlin Pond from 2013 through 2018 prohibited harvest of smallmouth and largemouth bass and reduced the daily creel limit of yellow perch to ten.
- C. Studies of unexploited fish populations, like those in Berlin Pond prior to 2013, 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. An ice fishing creel survey conducted in 2013 and 2014 revealed that fishing effort and yellow perch harvest were high on Berlin Pond, despite the test waters designation.
- D. During the previous test waters designation, fisheries staff confirmed that Berlin Pond provides quality fishing opportunities for largemouth bass, yellow perch, brown bullhead, pumpkinseed, and chain pickerel. The largemouth bass are abundant, but slow growing with few bass over 17 inches. The yellow perch, pumpkinseed, and brown bullhead populations each have a high proportion of large fish.
- F. To continue to spread the catch of large yellow perch among anglers and maintain yellow perch fishing quality over the next several years, a reduced daily creel limit of 10 yellow perch is proposed. Catch and release angling for largemouth and smallmouth bass is also proposed to help maintain fishing quality and provide a variety of angling opportunities. This Test Water designation will provide the Fish and Wildlife Department time to obtain the necessary information to develop an appropriate long-term regulation proposal.

2. Statutory Determination

- A. Pursuant to 10 V.S.A. § 4142, the Vermont Fish and Wildlife Department Commissioner may, for the purpose of securing data relative to the propagation of fish, designate as test waters streams and ponds 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.-F.)

3. Conditions of the Test Waters

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

- A. Year-round: The daily creel limit for yellow perch is 10 fish. All largemouth and smallmouth bass must be released immediately.

Authorized by: _____
Louis Porter, Commissioner

Date: 9/5/18