



New York State Dept of Environmental Conservation Trout Management Plan: Trout Unlimited, Battenkill Home Rivers Initiative Comments

On behalf of the Trout Unlimited (TU) Battenkill Home Rivers Initiative (HRI) Working Group, we are pleased that DEC has taken the initiative to formulate a comprehensive New York State Management Plan for Inland Trout. DEC's shift in focus to wild trout management – specifically, preserving and restoring habitat for wild trout – is commendable. Our focus on restoring the Battenkill watershed provides a unique perspective from which we can make recommendations and contribute to the goal of improving habitat for sustainable wild and native trout populations.

After reviewing the new management plan, there are a few key points that we believe require additional thought and consideration:

1. Reach-Level Management:

- ▶ **Comment:** Watershed-based management is the preferred method of TU; this broader approach considers the importance of an interconnected system to sustaining and recovering wild and native trout populations. Managing streams on a reach scale leads to habitat fragmentation and creates additional management challenges.
- ▶ **Suggestions:** (1) The final plan should contain a well-defined data-driven process for designating reaches. (2) Explain the basis for breaking reaches at specific locations (e.g., describe the criteria for designating the upstream side of a bridge a 'Wild' reach and the downstream side is 'Stocked-Extended'). (3) Avoid dividing reaches designated as 'Wild', 'Wild-Quality', or 'Wild-Premiere' with 'Stocked' or 'Stocked-Extended' reaches.

2. Harvest Regulations:

The Plan proposes both 'Wild' and 'Stocked' reaches will have a 5 trout/day harvest limit, with no more than 2 over 12 inches. Subsequently, 'Wild-Quality' and 'Stocked-Extended' reaches will have harvest limits of 3 trout/day, with no more than 1 over 12 inches. One reason for doing so is to *"minimize the complexity of regulations for anglers and law enforcement"*.

- ▶ **Comment:** One of the categorical differences between 'Wild' and 'Wild-Quality' is the biomass of trout. If the goal of the new management plan is to ultimately upgrade reaches towards 'Wild-Quality' and 'Wild-Premiere', the idea of harvesting a greater number of fish from a lower quality reach (and likely a smaller stream, with lower carrying capacity) may not achieve that stated goal.
- ▶ **Suggestion:** In order to still "minimize the complexity of regulations", we propose making both the 'Wild' and 'Wild-Quality' reaches consistent at 3 trout/day, no more than 1 over 12 inches AND 'Stocked' and 'Stocked-Extended' reaches consistent at 5 trout/day, no more than 2 over 12 inches.

3. Upgrading Stream Reaches:

It is commendable that this management plan was designed with the intention for habitat improvements to bolster stream reaches' ability to sustain higher numbers of naturally reproducing, wild trout populations - to warrant an upgraded classification.

- ▶ **Comment:** Within the document, there is no outline for a process to reclassify reaches. Our fear is that this over-arching goal can be lost or missed over time, without the proper checks and balances in place.
- ▶ **Suggestion:** Please consider outlining a process for upgrading reaches (sampling schedule, habitat improvement needs, etc.). This should also include a sharable list of the highest priority reaches for restoration work that would likely result in adequate biomass for an upgrade from ‘Wild’ to ‘Wild-Quality’. Partners, such as TU, will then be better equipped to target reaches with the greatest potential. *See point 5 for additional details on identifying “Issues, Goals, Objectives, and Strategies” as a critical component of a management plan.

4. Year-Round Fishing:

One of the most significant changes in the new management plan is opening all of New York’s waters to trout fishing year-round. There are papers cited that have observed no impact on reproductive success, but I believe this should be monitored on a case-by-case basis. Further, citations used in the draft plan are not applicable to all waters within the state of New York.

- ▶ **Comment:** The literature cited for this regulation is not applicable to all inland trout waters of New York. Detar et al. (2014) studied the effect of year-round catch and release fishing on adult Brook Trout abundance. While adult Brook Trout abundance was unimpacted, Pennsylvania wild trout streams are in largely undeveloped headwaters, receive low angler pressure, and have very low harvest regardless of regulations (Greene et al. 2005). Another citation was from the Yellowstone River, where a graduate student was monitoring the impact of angling pressure on wading-caused mortality of Yellowstone Cutthroat Trout and pre-emergent fry (Kelly 1993). The study area contained 12 km of river that were closed to fishing from the first Sunday in November to July 15th (the current regulation for the entire study area), wherein 60% of spawning redds were protected. Wading-caused mortality was observed at 57.4% in their upper study segment, where angling pressure was the greatest.
- ▶ **Suggestion:** This needs to be evaluated and monitored on a case-by-case basis. Systems with higher angler pressure will be more impacted by wading-caused mortality. Other concerns for the spawning, adult populations must also be considered (increased stress, post-catch mortality, etc.).

5. Management Plan Format and Content:

Fisheries management plans should be designed to work towards and achieve specific goals that have been identified in response to issues. Current trout management plans in other states are designed such that data (from that state) are being used to identify issues and establish goals, objectives, and strategies to address those issues (Bonney 2009, Kirn 2018, Reeser 2018, WDNR 2019, Detar et al. 2020).

- ▶ **Comment:** The objectives and strategies contained in the draft document are mostly aimed at the classification of reaches and the harvest potential established for them (without supporting data). This falls short of responsible management, wherein strategies to monitor the effectiveness of regulations are outlined. Additionally, there are no strategies for addressing habitat concerns, identifying reaches with the greatest potential to be upgraded, or the process for sampling and upgrading reaches.
- ▶ **Suggestion:** Outline goals, objectives, and strategies to achieve specific management goals. Identify a process of adaptive management in which the proposed plan can be adjusted as data reveal how specific watersheds and/or reaches respond to the new management scheme.

Battenkill Specific Comments:

➤ Reach-Level Management

- Reaches on the main stem of the Battenkill are poorly described within Appendix 2. The HRI Working Group believes they are meant to be described as follows (downstream to upstream):
 - a. ½ mi downstream of Battenville bridge (Rt 61) – ½ mi upstream of Battenville bridge (Rt 61) *Stocked-Extended*
 - b. Whitaker Brook – mouth of Black Creek *Stocked-Extended*
 - c. Mouth of Black Creek – Rexleigh bridge *Stocked-Extended*
 - d. Upstream of Rexleigh bridge – downstream side of Shushan steel bridge (Rt 61) *Wild*
 - e. Shushan steel bridge (Rt 61) – Eldridge Swamp *Stocked-Extended*
 - f. Eagleville bridge upstream 2 miles – Hart Hill Rd *Wild-Quality*
- The following reaches on the mainstem of the Battenkill were left uncategorized. Gaps along the main stem will cause management and enforcement problems.
 - The river downstream from ½ mile below the Battenville bridge
 - ½ mile upstream of the Battenville bridge to Whitaker Brook
 - Eldridge Swamp to Eagleville
- Disconnecting the above reaches (d) and (f) that are ‘Wild’ and ‘Wild-Quality’ with a ‘Stocked-Extended’ reach is counterintuitive to wild trout management and adds complexity to regulations when part of the goal for the new management plan is to reduce the amount of regulations.
- The reach from Hart Hill Rd to the NY/VT line is left unidentified within either Appendix. As this is part of the current special regulation section, it (and the reach from the Eagleville bridge to Hart Hill Rd) should be grandfathered into the new plan as a year-round catch and release only (artificial lures only) reach.
- Reaches with public access, not included in Appendix 2 are to be managed as ‘Wild’. Camden Creek is one such tributary with importance as coldwater refuge, native and wild trout habitat, and spawning grounds that would benefit from a watershed management approach. We believe the importance of Camden Creek to the wild fishery within the ‘Wild-Quality’ reach of the Battenkill (of which it flows into) is justification for ‘Wild-Quality’ classification as well. If the special regulation section is grandfathered into the new plan, Camden Creek should also gain such status. Camden Creek is also one example of how a watershed approach can benefit the fishery and simplify management.

➤ Harvest Regulations

- Recovery of a wild trout fishery throughout the Battenkill watershed will depend upon the survival of adequate numbers of wild fish. The ‘Wild’ regulation (on reach d above) of 5 trout/day (2 over 12”) will not encourage the biomass within that reach to trend toward ‘Wild-Quality’. Further, the reaches upstream and downstream are to be classified as ‘Stocked-Extended’, which imposes the lower harvest restriction of 3 trout/day (1 over 12”).
- Another example: the proposed regulation shift at Rexleigh bridge poses a management challenge. Thus, the ‘Wild’ reach harvest restriction should also be 3 trout/day (1 > 12”) or the ‘Stock-Extended’ reach should break upstream of the pool at Rexleigh bridge – at the old dam.
- Stocking numbers add complexity to the issue of management and harvest restrictions:
 - The proposed quantity of stocked trout is 22,968 for 6.2 miles (3,704 trout per mile) of ‘Stocked-Extended’ reaches of the Battenkill. If a ‘Wild’ reach is not ‘Wild-Quality’ because

it is limited by habitat, low productivity, and/or has a trout biomass less than 300 yearling or older trout per mile, why allow harvest of 5 trout per day when reaches stocked with approximately 3,704 trout per mile have a harvest restriction of 3 trout per day?

- Please consider rethinking the harvest restrictions for ‘Wild’ reaches and how to classify reaches based on those upstream/downstream/adjoining (thinking of a connected watershed).

➤ Upgrading Stream Reaches

- In Appendix 2, the reach from the Eagleville bridge to Hart Hill Rd is currently identified as ‘Wild-Quality’. Habitat improvements just upstream, in Vermont, have shown the potential to support ‘Wild-Premiere’ numbers of trout per mile. **This emphasizes the potential for TU’s restoration work within the reaches upstream of Eagleville bridge on the mainstem and tributaries (e.g., Camden Creek) to bolster wild numbers adequately to upgrade those waters to ‘Wild-Premiere’.**
- With the investment of time and resources by Trout Unlimited and other partners in the Battenkill watershed (and elsewhere throughout the state), our hope is that a partnership with DEC in bolstering wild reach classifications will be the new normal.

➤ Year-Round Fishing

- Vermont has opened some larger rivers to year-round fishing, but the Battenkill remains one such that large runs of spawning trout warrant the closed season to preserve the quality fishery (Kirn 2018). Additional studies are referenced in the Vermont Management Plan that indicate movements by wild trout for habitat and spawning can be extensive. Telemetry studies of adult brown trout in the Battenkill led to the conclusion that even a 2-mile special regulation reach was inadequate to protect wild fish (Cox 2016).
- Redd surveys conducted annually, beginning fall of 2020 - as part of the Battenkill HRI, will be shared with NYS DEC and should be used to guide reach/watershed closures through the spawning season.

The future of New York State’s wild and native trout fisheries will largely be affected by this plan, and we are uniquely in a time that decisions made today will have profound impacts over the next 5-10 years. Proper management, monitoring, and implementation are vital to the preservation and protection of our wild trout fisheries. This emphasizes the importance of a well-defined approach to measure effectiveness of strategies applied to achieve goals and modify those strategies as we learn more about their impacts.

Our efforts in the Battenkill watershed can contribute significantly to the goal of this plan to promote wild and native trout fisheries. We look forward to partnering with DEC to improve habitat, fishing, and overall ecosystem resiliency. If there is any way for a representative of the TU Battenkill HRI Working Group to become involved as a member of the Fisheries Management Plan for Inland Trout Streams in New York State Focus Group, please let us know.

Thank you for considering these comments as you revise the draft management plan. I look forward to reviewing a revised management plan that addresses these concerns.

Sincerely,

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References

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