

1 H.61

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; fish and wildlife; fishing; heritage

6 trout waters

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Commissioner of Fish and Wildlife to designate a water or water segment of
9 the State as a heritage trout water. A water or water segment may be
10 designated as a heritage trout water if it meets specified criteria. A water or
11 water segment designated a heritage trout water shall be open to catch and
12 release fishing. In addition, the bill proposes to require the Commissioner of
13 Fish and Wildlife to propose by rule five waters or water segments from
14 different geographic areas of the State to be designated as heritage trout waters.

15 An act relating to the designation of heritage trout waters

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. FINDINGS

18 The General Assembly finds and declares that:

1 (1) it is the policy of the State of Vermont that the Commissioner of
2 Fish and Wildlife manage and regulate the protection, propagation,
3 management, and conservation of fish in the State; and

4 (2) the Commissioner of Fish and Wildlife should establish heritage
5 trout streams in order to protect, manage, and conserve wild trout populations
6 in the State.

7 Sec. 2. 10 V.S.A. § 4143a is added to read:

8 § 4143a. HERITAGE TROUT WATERS

9 (a) Designation; authority. The Commissioner of Fish and Wildlife by rule
10 may designate a water of the State or segment of a water of the State as a
11 heritage trout water after determining that:

12 (1) the water or water segment maintains trout populations that best
13 exemplify strains of trout native to Vermont;

14 (2) trout native to Vermont historically populate or populated the water
15 or water segment; and

16 (3) the water or water segment is capable of providing satisfactory
17 catches of trout in terms of number of fish and trout size if the water is open to
18 the taking of fish in accordance with the rules of the Fish and Wildlife Board.

19 (b) Activity within a heritage trout water.

20 (1) A water or water segment designated a heritage trout water shall be
21 open to the taking of fish by the public.

1 (2) All trout caught within a heritage trout water shall be released
2 immediately.

3 (3) The Commissioner shall not stock a heritage trout water unless
4 stocking is required to maintain the natural population and provided that only
5 hatchery-produced wild strains of trout are used in the stocking.

6 (c) Designation of test waters. The Commissioner may redesignate as a
7 heritage trout water a water designated as a test water under section 4142 of
8 this title provided that the water meets the criteria of subsection (a) of this
9 section.

10 (d) Notice of designation. In addition to the public notice requirements for
11 rulemaking under 3 V.S.A. chapter 25, the Commissioner of Fish and Wildlife
12 shall publish notice of the proposed designation of a water or water segment as
13 a heritage trout water in a newspaper circulating in the vicinity of the water at
14 least three times prior to filing the final proposal of a rule under 3 V.S.A.
15 § 841. When a water or water segment has been designated a heritage trout
16 water by rule, the Commissioner of Fish and Wildlife shall post notice of the
17 designation on the banks or shores of the designated water or designated water
18 segment.

1 Sec. 3. COMMISSIONER OF FISH AND WILDLIFE; DESIGNATION OF
2 FIVE HERITAGE TROUT WATERS

3 On or before July 1, 2018, the Commissioner of Fish and Wildlife shall file
4 under 3 V.S.A. § 841 a final proposal of a rule designating five waters or water
5 segments of the State as heritage trout waters. The proposed heritage trout
6 waters shall be located in different geographic regions of the State.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on July 1, 2017.