

Central Vermont Chapter #138



January 22, 2019

Kevin Lawrence, Chair
VT F&W Board

On behalf of the Central Vermont Trout Unlimited (CVTU), which consist of 499 members from Lamoille, Franklin, Grand Isle, Chittenden and Addison counties, which represents one third of TU members in Vermont, we are submitting comments on the proposal to change fishing regulations for a section of the Lamoille River downstream of Johnson from a two-trout daily limit and 16-inch minimum length to the more liberal general fishing regulations of a six fish limit and no size restrictions. This Lamoille section is within CVTU's territory where our mission is to conserve, protect and restore Vermont's coldwater fisheries.

Specifically, this special regulation section is from the downstream side of the railroad bridge in Johnson upstream approximately 3.7 miles to the downstream edge of the Ten Bends Drive bridge in Hyde Park. The 2001 special regulation was developed with "extensive public input" according to the Department. In 2007 the rule was modified by changing the location of the special regulation section. And in January 2018 (just one year ago) the Department received a petition to eliminate the regulation, which means the Department has only had one field season to assess the potential impact of this change on trout populations! According to the Department, "there are no trout population data available to use for evaluating" this proposed change. In addition, no creel surveys exist that can be used either.

The only scientific data the Department has to evaluate this proposed change is an angler diary program conducted between 1994 and 2014. According to the Department, this diary program represents "a small, unrepresentative segment of all anglers fishing the Lamoille River, so the utility of angler diary data is limited compared to that from more rigorous creel surveys."

We also question the Department's use of main stem water temperature data to support this regulation change. By citing data showing that water temperatures exceeded the ranges for optimum growth of brown and rainbow trout "from 31% to 52% of the time in 4 of the 6 years monitored" the Department has failed to acknowledge that trout move into cooler tributaries during warm summer months. The science is clear and abundant. Trout are not sedentary; they move miles and miles depending on conditions and the time of year. Do trout leave the special regulation section on the Lamoille? Almost assuredly they do. And when conditions, such as water temperature, return to normal the trout return also. Hence, we do not believe it is acceptable to make a regulation change based on temperature logger data absent shocking or creel survey data to back it up.

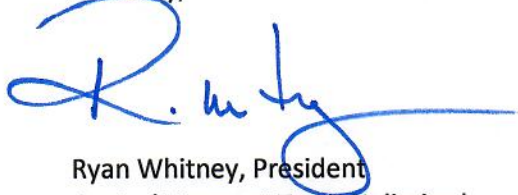
Furthermore, the Department's own "Social Data" between 1991 and 2010 notes that "there was substantial growth among Vermont resident anglers in support for the use of length limits and lower creel limits." In fact, in 2010 only 7% of respondents "Do not support any special regulations" - which means the Department is recommending removing the Lamoille special regulation that is, in effect, supported by 93% of Vermont resident anglers surveyed!

According to the Vermont Agency of Natural Resources Basin Plan for the Lamoille River this section of river (C31) is stressed due to encroachment, flooding, nutrients, and erosion. The Agency further states that this watershed is suffering from "stream instability" due to channelization and bank armoring, removal of woody riparian vegetation, poor

road maintenance and installation of infrastructure among other factors. The habitat in this section of river was rated as only being "Fair", as opposed to Good or Excellent. The report notes that this reach of river lacks "a strong riffle-pool bedform and the diversity of habitat features that this brings." In addition, "Localized areas of bank erosion and depositional features (steep riffles, mid channel bars, delta bars, flood chutes, and/or avulsions) are prevalent." Most segments with this reach had "over 70 percent of the reach with little or no buffer on at least one bank." As a result, the State's own data concludes that this section of the Lamoille River has a sensitivity rating of "Very High." Given this laundry list of data provided by the State, we are skeptical of the proposed fishing regulation change that would result in higher harvest of trout that are living in an already stressed environment.

In addition to the considerations we have raised above, I'm disappointed in the haste shown in the public comment process. Commissioner Porter was a guest presenter at our December 2018 membership meeting, and although he reviewed several proposed regulation changes, this important topic was not mentioned. This omission had the effect of denying our membership adequate opportunity to be more engaged in the public comment process. Therefore, the Central Vermont Trout Unlimited Chapter respectfully request the Board and Department study this proposal in greater detail before making a final decision. We believe that fisheries biologist Brian Chipman's August 14, 2018 recommendation that the special regulation be rescinded and Commissioner Porter's acceptance of said recommendation are premature given the lack of scientific data to support this change and the aforementioned stresses facing trout living in this watershed.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Whitney", with a long horizontal flourish extending to the right.

Ryan Whitney, President
Central Vermont Trout Unlimited