

# STATE OF NEW YORK

5021

2019-2020 Regular Sessions

## IN SENATE

April 3, 2019

Introduced by Sen. METZGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to trout stocking practices of the department of environmental conservation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "healthy coldwater fisheries act".

3 § 2. Legislative findings. 1. New York state has a rich history as a  
4 freshwater sports fishing destination. In particular, coldwater trout  
5 fisheries, such as the West branch of the Ausable river and the Beaver-  
6 kill river, are cited as birthplaces of modern trout fishing. Further-  
7 more, New York has the second highest number of anglers in the United  
8 States. Our state's fisheries generate \$2.7 billion in revenues, each  
9 year.

10 2. Climate change and habitat degradation pose imminent threats to the  
11 viability of these fisheries and the local economies dependent upon  
12 them. Specifically, increases in peak water temperatures cause fish  
13 mortality, and over time, marginalize once-viable trout habitat.

14 3. Current state hatchery stocking practices have not kept pace with  
15 other states in the northeastern United States, whom have developed  
16 brood stocks of trout from holdover and wild stream-bred trout with  
17 higher thermal tolerances. As a result, many in-state fishermen increas-  
18 ingly seek out-of-state fishing opportunities.

19 4. Modernizing trout stocking practices would likely decrease burdens  
20 on state hatcheries, by producing trout with greater survival character-  
21 istics.

22 5. Under the aegis of the department of environmental conservation,  
23 there is merit and value in establishing modern hatchery practices to  
24 ensure the future health of our coldwater fisheries.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD11047-02-9

1 § 3. The environmental conservation law is amended by adding a new  
2 section 11-0508 to read as follows:

3 § 11-0508. Survivor strain trout stocking program.

4 1. No later than December thirty-first, two thousand twenty, the  
5 department shall promulgate regulations on the trout hatchery breeding  
6 and stocking practices in the waters of the state, to develop brood  
7 stock with higher thermal and survival characteristics. Such regulations  
8 shall require state trout hatcheries to: (a) not less than once every  
9 three years, collect eggs and rear brood-stock trout from wild, stream  
10 born trout and holdover trout, particularly those trout with higher  
11 thermal tolerances, and develop broods of hatchery trout with potential-  
12 ly higher thermal tolerances and survival characteristics; (b) develop  
13 hatchery practices to encourage greater genetic diversity and survival  
14 characteristics among hatchery trout; and (c) identify certain water  
15 bodies, or portions thereof, that would benefit from the development of  
16 trout brood stocks with higher thermal tolerances and survival charac-  
17 teristics in potentially marginal habitats. Such regulations shall be  
18 protective of native and heritage strain brook trout populations.

19 2. No later than December thirty-first, two thousand twenty, the  
20 department shall make publicly available, on its website, the findings  
21 of a report on trout stocking practices within the state. Such reports  
22 shall discuss, at a minimum: (a) comparisons with other state stocking  
23 practices in the northeastern United States; (b) potential adaptive  
24 stocking measures to promote trout survival in thermally marginal  
25 waters; (c) potential stream habitat restoration measures to promote  
26 trout survival in thermally marginal waters; (d) public outreach meas-  
27 ures to promote practices that could improve trout survival, such as  
28 proper trout handling and catch-and-release; (e) identification of ther-  
29 mally marginal water bodies that would benefit from developing more  
30 resilient and modern stocking practices; and (f) recommended regulations  
31 on trout stocking practices to promote increased fish survival and  
32 reproductive viability.

33 3. No later than December twenty-first, two thousand twenty-one, the  
34 department shall implement a pilot program in at least five water bodies  
35 for stocking "survivor strain" hatchery trout reared from wild and hold-  
36 over trout with higher thermal tolerances and survival characteristics,  
37 pursuant to subdivision one of this section. Such pilot program shall  
38 include: (a) one water body within the Hudson river watershed; (b) one  
39 water body within the St. Lawrence river watershed; (c) one water body  
40 within the Delaware river watershed; (d) one water body within the Gene-  
41 see river watershed; and (e) one water body within Nassau county or  
42 Suffolk county. Such stockings shall be done in a manner protective of  
43 native and heritage strain brook trout populations.

44 § 4. This act shall take effect immediately.