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:

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

§ 2. Legislative findings. 1. New York state has a rich history as a freshwater sports fishing destination. In particular, coldwater trout fisheries, such as the West branch of the Ausable river and the Beaverkill river, are cited as birthplaces of modern trout fishing. Furthermore, New York has the second highest number of anglers in the United States. Our state's fisheries generate $2.7 billion in revenues, each year.

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

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

4. Modernizing trout stocking practices would likely decrease burdens on state hatcheries, by producing trout with greater survival characteristics.

5. Under the aegis of the department of environmental conservation, there is merit and value in establishing modern hatchery practices to 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

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

§ 11-0508. Survivor strain trout stocking program.

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

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

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

§ 4. This act shall take effect immediately.