

**TESTIMONY OF THE
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE
BEFORE THE JOINT STANDING COMMITTEE ON INLAND
FISHERIES AND WILDLIFE
IN OPPOSITION TO L.D. 170**

**A RESOLVE TO ALLOW THE USE OF LIVE BAIT WHEN
FISHING IN CERTAIN WATERS OF THE STATE**

SPONSORED BY: Senator JACKSON of Aroostook.

**CO-SPONSORED BY: Representative Theriault of Madawaska
Senator DUTREMBLE of York
Senator THIBODEAU of Waldo
Representative DAVIS of Sangerville
Representative ESPLING of New Gloucester
Representative GUERIN of Glenburn
Representative SHAW of Standish
Representative WOOD of Sabattus**

DATE OF HEARING: March 26, 2013

Good afternoon Senator Dutremble, Representative Shaw and members of the Inland Fisheries and Wildlife Committee. I am John Boland, Director of the Bureau of Resource Management at the Department of Inland Fisheries and Wildlife, speaking on behalf of The Department of Inland Fisheries and Management in opposition to **L.D. 170**.

Let me first start by saying that Maine's Department of Inland Fisheries and Wildlife has long recognized the value and importance of Maine's brook trout resource and the need to preserve it. Unfortunately, eastern brook trout have not fared that well throughout their native range, and Maine has seen its share of population decline especially in southern and central portions of the state. It is estimated that less than 9% of the areas (nationally) that historically supported brook trout are intact today.

In 2003, 17 states, several federal agencies, and many non-governmental organizations, which recognized the declining brook trout populations, met in West Virginia to discuss the status of these populations, and as a result the Eastern Brook Trout Joint Venture (EBTJV), a partnership to conserve eastern brook trout and their habitats, was formed. This partnership has since produced a wide range assessment of brook trout, identified

key threats to brook trout and their habitats, and developed conservation strategies to protect and restore brook trout. Maine has played an active role within the EBTJV.

According to the EBTJV, Maine is the last true stronghold for brook trout in the eastern United States, with as many intact watersheds as all the other states in the eastern range. Also, EBTJV states that non-native fish are the dominant threat to Maine's lake and pond populations of brook trout. We feel that through a coordinated and focused effort, we have a unique opportunity to reverse the trend of brook trout decline throughout their natural range.

In 2005 The Joint Standing Committee on Inland Fisheries and Wildlife designated 296 waters as Heritage Brook Trout Waters, and required the department to develop a plan to manage the remaining wild trout waters that did not meet the strict requirements of "Heritage". That year laws were enacted that required, at a minimum, no live fish as bait restrictions on these heritage waters. With this Committee's help and direction, we've developed policies that protect "Heritage" or native brook trout fisheries in Maine, and we've crafted management plans with strict policies to protect wild trout fisheries in Maine. Additionally, we've instituted controls at IFW to ensure that brook trout stocking programs in or around wild brook trout waters are consistent with department policy, that strains aren't mixed, and that regulations are applied fairly and consistently.

The Joint Standing Committee on Inland Fisheries and Wildlife also directed the Department to continue with Wild Brook Trout Working Group to address important trout issues, in an effort to preserve and protect this resource. The Wild Brook Trout Working Group is comprised of several very skilled and knowledgeable anglers who represent all sides of the issue. This group continues to meet and discuss our policies, programs and resources. Last year our Wild Brook Trout Working Group met four times, putting in long hours to address the use of live fish as bait on wild brook trout lakes and ponds.

As a result of recommendations from the Wild Brook Trout Working Group, the department proposed rulemaking changes that would restrict the use of live fish as bait on 16 of Maine's important wild brook trout waters, during the open water season and if applicable, ice fishing seasons. After listening carefully to oral testimony at four well attended public hearings, looking carefully at the dozens of written comments, and discussing this proposal with our Advisory Council, and the Maine Indian State Tribal Council (MITSC), we amended the original proposal to nine waters. It is important to note that this proposal did not in any way restrict the use of bait (i.e. dead minnows, worms) or limit ice-fishing opportunities. On the contrary, this rules package included a recommendation to open Attean Pond to ice fishing. Of the nine waters that the department initiated rulemaking to restrict the use of live fish as bait, only four were open to ice fishing, and these four remain open today.

The Committee should be aware that three of the waters listed in this legislative Resolve are under the authority of MITSC. Also it should be noted that Attean Pond, as stated

before is already open to ice fishing and the use of live fish as bait, so it is listed incorrectly in this legislation.

In summary, the conservation and protection of our brook trout resources is one of the department's highest priorities. Maintaining or expanding fishing opportunities is another. The department, along with this legislative committee has made significant gains in both of these arenas over the last several years. Our rulemaking process is extremely public and transparent, and we're confident that the best decisions were reached. This unique resource is extremely important to Maine's outdoor recreation industry, and vital to Maine's economy. It's our responsibility to ensure that it is there for future generations to enjoy.

I would be glad to answer any questions at this time or during the work session.