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Friends of the Upper Delaware River
158 East Front Street
Hancock, NY 13783

June 19, 2020

Fred Henson
Coldwater Fisheries Unit Leader
NYSDEC-Division of Fish and Wildlife
625 Broadway
Albany, NY 12233-4753

Dear Mr. Henson,

Thank you for the opportunity to comment on the NYSDEC “Draft Fisheries Management Plan for Inland Trout Streams in New York State (FMP, Draft Plan).” This plan represents a great stride forward in the management of trout streams across the State of New York and provides many benefits for the Upper Delaware River (UDR).

Friends of the Upper Delaware River (FUDR) is the only professionally staffed organization in the UDR watershed working every day to protect and restore this magnificent cold water ecosystem. Our mission is to protect and restore the Upper Delaware River watershed for the benefit of local economies, communities, people, and the environment.

How the Plan will Improve the UDR Tailwater Fishery

1. As one of the finest wild trout fisheries in the United States, FUDR applauds the decision to designate the UDR Tailwaters as a “Wild-Premier” fishery. This designation will enhance the ability of anglers, conservation interests, and all watershed stakeholders to generate much needed resources to protect the long term viability of the fishery, the watershed, and neighboring communities that rely on a clean and healthy river for their livelihood. As competition for federal and state conservation funding increases, the “Wild-Premier” designation will help advocates and stakeholders better define the fishery and the watershed in the eyes of key decision makers.
2. FUDR strongly supports the NYSDEC Fisheries Bureau stated intention in the plan to prioritize wild trout populations through integrated habitat restoration goals while reducing reliance on hatchery fish and stocking. As a unique tailwater fishery that supports a healthy and thriving population of wild trout, it is imperative that a long term vision be adopted by New York State to maintain and improve the quality of the tailwater fishery through habitat restoration and a focus on protecting wild trout for future generations.
3. FUDR strongly supports the management goal of eliminating stocking of hatchery fish in the UDR tailwaters below the Cannonsville and Pepacton dams (with the exception of Oquaga Creek). As we understand the current stocking program, the NYSDEC stocks (and permits stocking) in the East Branch from the confluence with the Beaverkill River upstream to the Pepacton Dam in Downsville, NY. Anybody who regularly fishes that section of the Upper East Branch understands the high quality nature of that stream. Eliminating stocking will help

ensure more viable populations of wild fish which we believe contributes to the health of the fishery and the quality of the wild trout fishing experience.

4. A commendable tenet of this plan is to simplify the management of New York's trout streams. FUDR believes one of the best examples of this effort to simplify for the UDR tailwaters is the reduction of the harvest limit to one fish per day throughout the entire tailwaters system on the East Branch, West Branch, and the main stem of the Delaware River below the Cannonsville and Pepacton reservoirs. This is a critically important new management policy to address the ever-increasing pressures on the UDR fishery.
5. FUDR strongly supports the grandfathering of existing catch and release and thermal refuge zones in the UDR tailwaters on the West Branch and Oquaga Creek and in the Beaverkill/Willowemoc system. When the NY/PA Joint Fisheries Investigation Plan (JFIP) is completed, we look forward to further discussions and exploration about the potential need to utilize new and expanded resource management tools like catch and release and thermal refuge zones and other creative mechanisms in the UDR tailwaters to ensure the long term protection and health of the fishery and the cold water ecosystem.

Suggestions to Improve the Plan as it Impacts the UDR Tailwater Fishery

While the plan contains several positive outcomes, there are some items which we believe require further consideration and adjustment.

1. There is not sufficient evidence to support the implementation of a new "Catch and Release Season" from October 16 - March 31 in the UDR system. The data cited in the plan references fisheries which are substantially different from the highly unique UDR Tailwaters fishery due to the fishing pressure on this system that may not exist in the cited studies. Because of our proximity to New York City (NYC) and other nearby major metropolitan areas, the number of anglers that travel to the UDR tailwaters is much greater (and ever increasing) than the more remote fisheries noted. We believe this factor creates a high potential to negatively impact Brown Trout and Rainbow Trout spawning.

Recommendations:

- **Retain existing special regulations in the East Branch and West Branch that prohibit angling to protect spawning beds.**
- **Should the NYSDEC move forward with the new catch and release season in the UDR Tailwaters, data should be collected about the impact of anglers in spawning tributaries and the impacts on young of the year trout, and educational signage should be installed where Redds are found.**

2. The UDR Tailwaters fishery is a high quality ecosystem that supports wild reproducing Brook, Rainbow, and Brown Trout populations due to a combination of factors including a continuous supply of cold water from New York City Delaware River Basin Reservoirs, prolific insect populations, tributaries which provide spawning habitat for Brown and Rainbow Trout, and cool headwaters streams which are necessary for the survival of Brook Trout.

This is a highly unique combination of factors and it highlights the importance of thinking about the fishery at a watershed scale. It is important to note that the UDR tributaries support the high quality aquatic habitat of the "Wild-Premier" West Branch, East Branch, and Main Stem Delaware River. We are concerned that a default "Wild" classification for the tributaries does not consider that fish move throughout the entire system. It does not make sense that on the Main Stem you can only

harvest one fish, but on a closely connected tributary you can harvest five. FUDR strongly believes that the tributaries supporting a “Wild-Premier” Trout fisheries are very important to their long term sustainability, and harvest limits there should reflect that relationship.

Recommendation:

- **Unassessed/Unlisted Tributaries in “Wild-Premier” fisheries should automatically default to “Wild-Quality,” not “Wild.”**

3. FUDR has been looking forward to the findings and outcomes of the ongoing work on the JFIP and the subsequent UDR Tailwaters Trout Fishery Management Plan (UDRTFMP) that will be developed based on the information generated by the investigation. The recommendations of the UDRTFMP should lead to refinement of the management strategies outlined in the FMP for the UDR Tailwaters wild trout fishery. In fact, there should be flexibility built into the FMP to account for the unique needs of all the highly specialized “Wild-Premier” fisheries throughout New York State.

Recommendations:

- **The UDR Tailwaters are a highly unique fishery and should be managed as such.**
- **Provisions for the refinement of management practices based on evidence and recommendations from Wild-Premier Trout Management Plans should be incorporated in the FMP.**

4. Lordville is not the downstream terminus of the UDR wild trout fishery during a significant portion of the angling season. In the Spring and Fall, the cold water section of the main stem Delaware River often extends to Callicoon, NY where excellent fishing opportunities abound for wild brown and rainbow trout. Further, Callicoon Creek has been identified as a trout stream in the Draft Plan and it is a part of the UDR cold water fishery.

From the perspective of harvest limits, It does not make sense to be able to harvest one fish on the upstream side of the Lordville Bridge and five fish on the downstream side when it is one continuous cold water fishery for a significant portion of the recreational angling season.

Recommendation:

- **Extend the “Wild-Premier” designation on the main stem Delaware River Fishery downstream to Callicoon.**

5. Upon plan implementation, Oquaga Creek will be the only stocked tributary in the UDR Tailwaters. FUDR believes that Oquaga Creek is a great candidate to invest in habitat restoration and other stream improvement efforts that will eventually lead to an upgrade in stream designation to a “Wild-Quality” tributary. The DEC has invested in access to this stream through Public Fishing Access (PFR) and parking areas. Trout Unlimited and FUDR have received grant funding to do habitat restoration and stream improvement and we are committed to continuing this work. We suggest a conversation begin between the non-profit conservation organizations who are actively engaged in habitat restoration and the NYSDEC Fisheries Bureau immediately upon adoption of the statewide plan to explore this idea.

Recommendation:

- **New York State Department of Environmental Conservation (NYSDEC) should prioritize Oquaga Creek for an upgrade from “Stocked” to “Wild-Quality.”**

6. FUDR, our conservation partners, and our angling constituency spend considerable time advocating for increased water releases from the NYC Delaware River Basin Reservoirs as a means of ensuring the health of the UDR tailwater fishery. While we recognize that the authority of the NYSDEC Fisheries Bureau does not extend to reservoir management in the UDR watershed, we believe there is considerable overlap and cross communication among and between the NYSDEC Division of Water and Fisheries staff. For years, FUDR’s constituencies have struggled to understand the bureaucratic hierarchies at NYSDEC in Albany (and in the region) and how they interact and intersect with respect to management decisions over water allocations from the NYC Delaware River basin reservoirs. Confusion is further compounded with regard to communications with NYC and the other 1954 Supreme Court Decree Parties (PA, NJ, DE).

Recommendation:

- **FUDR believes that the NYSDEC Fisheries Bureau in Albany and in the region should be more assertive in their intra-agency communications and with the Decree Parties with regard to water releases to the UDR tailwaters with the protection of the wild trout fishery as the paramount management objective and concern. We believe the leadership roles assumed by Fisheries Bureau staff on the Delaware River Basin Commission SubCommittee on Ecological Flows puts the Bureau in a far more favorable position to influence policy matters and management decisions with respect to the implementation of the Flexible Flow Management Program and daily decisions on reservoir management that have critical implications for the UDR wild trout fishery.**

7. For many years, UDR anglers have noticed an increase in fish injuries suspected to be caused by the use of multi-point hooks. For that reason, FUDR strongly supports allowing only single point hooks.

Recommendation:

- **When fishing on “Wild,” “Wild-Quality,” or “Wild-Premier” reaches, anglers may only use single point hooks.**

8. FUDR has noted a number of likely improvements to the UDR fishery as an outcome of this proposed plan. However, there is an ongoing issue that can invalidate many of these changes in fisheries management, and that is the lack of enforcement. For example, reducing the harvest limit is a welcome change, but in the absence of enforcement, there may be no actual improvements to this fishery.

Recommendations:

- **Explore ways to enhance enforcement through partnerships with conservation groups and anglers, etc.**
- **Advocate for a more aggressive enforcement budget.**

Thank you for considering these comments. We look forward to seeing the final statewide plan and continuing to work with NYSDEC on the JFIP and subsequent UDR Tailwaters Fishery Management Plan.

Sincerely,

A handwritten signature in black ink that reads "Jeff Skelding". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jeff Skelding
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