



Test Water
Designation

Vermont Fish and Wildlife Department

103 South Main Street, 10 South
Waterbury, VT 05671, 802-241-3700
STATUTORY AUTHORITY: 10 V.S.A. SECTION 4142

Batten Kill, Green River, Roaring Branch & Warm Brook

Pursuant to the provisions of 10 V.S.A. 10 § 4142, the Batten Kill (river), the Green River, the Roaring Branch, and Warm Brook as described below are hereby designated as Test Waters from April 14, 2012 through October 31, 2017.

1. Findings

- A. Catchable-size trout population abundance and angler catch in the Batten Kill have been dramatically depressed since the mid 1990s.
- B. To conserve these wild trout populations angling in the lower river (New York State line up to Dufresne Pond dam in Manchester) has been restricted to catch-and-release (no harvest) fishing annually since April 2000.
- C. Based on radio tracking study results, the Green River, Roaring Branch and Warm Brook were determined to be important spawning streams for brown trout residing in the Batten Kill mainstem, therefore these tributaries have been closed to trout harvest during the spawning season (October 1-31) annually since April 2007.
- D. Since implementation of test waters regulations (2000 thru 2012) in the Batten Kill and the above stated tributaries, the Vermont Fish and Wildlife Department along with its multiple partners have been carrying out habitat enhancement in the Batten Kill to increase trout carrying capacity and survival. Over the past five years approximately two miles of the lower river have been treated and monitoring activities demonstrate trout populations have responded positively to habitat enhancement within treatment areas.
- E. Additional miles of the Batten Kill require treatment accompanied by population monitoring before wild trout populations are restored to levels supportive of limited harvest. Also, during population rebuilding trout spawning in the three tributaries warrants continued protection.

2. Statutory Determination

- A. Pursuant to 10 V.S.A. § 4142, the Vermont Fish & Wildlife Dept Commissioner may, for the purpose of securing data relative to the propagation of fish, designate as test waters streams and ponds within the state.
- B. The Commissioner has determined that the designation of these waters as test waters is critical the conservation and propagation to the species in these waters. (See Findings 1.A.-E.)

3. Conditions of the Test Waters

During the above specified period, fishing shall be in accordance with the following:

- A. **BATTEN KILL** – All trout caught in that portion of the river situated between the New York State line upstream to the current or former Dufresne Pond dam must be immediately released.
- B. **GREEN RIVER** – All trout caught in that portion of the Green River from its mouth on the Batten Kill upstream to its confluence with Moffitt Hollow Brook is closed to the harvest of all trout from October 1 through October 31 annually. All trout caught must be immediately released.
- C. **ROARING BRANCH** – All trout caught in that portion of the Roaring Branch from its mouth on the Batten Kill upstream to the downstream side of Bridge #14 on Sunderland TH 3 in East Kansas is closed to the harvest of all trout from October 1 through October 31 annually. All trout caught must be immediately released.
- D. **WARM BROOK** - All trout caught in that portion of Warm Brook from its mouth on the Roaring Branch upstream to the base of the so-called Hale Company Dam in East Arlington is closed to the harvest of all trout from October 1 through October 31 annually. All trout caught must be immediately released.
- E. A person shall not have any trout in immediate possession while fishing in the affected test waters.
- F. A person fishing in test waters shall when requested, furnish to an agent of the Commissioner of the Vermont Fish and Wildlife Department any information regarding each day's catch.

Authorized by: _____

Patrick H. Berry, Commissioner

Date: _____

11/28/11