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**To: NYS Department of Environmental Conservation**

**From: C. Walter Lender, executive director, LGA**

**RE: NYS baitfish regulations**

**Date: September 2010**

**The Lake George Association supports the current New York State baitfish regulations.** The best defense against invasive species is identifying the pathways of invasion and instituting spread prevention programs and policies to address those pathways. The current regulations address baitfish transport as a major pathway and should remain as strong and enforceable as possible.

**Baitfish and the water in which they are transported in are well documented vectors for aquatic invasive species (AIS) to spread from infected to uninfected waters** (Litvak and Mandrak 1993; Ludwig and Leitch 1996; Litvak and Mandrak 1999; Goodchild 1999). Viral hemorrhagic septicemia (VHS), largemouth bass disease, and spiny waterflea are just a few of the known AIS threats that can move to new waters via this pathway. In 2007, New York State (NYS) became a leader in addressing this pathway by instituting several regulations that control the use of baitfish. Since then, at least three other states, Michigan, Pennsylvania, and Vermont, as well as the Canadian province of Ontario have followed NY's example and instituted similar regulations. The core components of the regulations include (1) the certified bait dealer program and (2) the restriction of overland transport of uncertified baitfish. There is widespread agreement that if the regulations, as they stand, are followed and properly enforced, the chance is low for VHS and other AIS to spread to waters via the baitfish pathway.

Some stakeholders believe that the restriction of overland transport of uncertified baitfish places an unfair burden on law-abiding anglers. **If this regulation is changed, however, it will make the baitfish regulation difficult, if not impossible, to enforce, weaken prevention measures put into place to stop the spread of AIS via the baitfish pathway, and increase the likelihood of new AIS invasions into waters of the state.**

Several key points lead us to this conclusion:

- **VHS is still a threat.** Just because VHS has not made an appearance since 2007 does not mean it has disappeared and will not be a problem in the future. Geof Eckerlin, Professor at the State University of New York College of Environmental Science and Forestry and expert on VHS conducts extensive studies on small mouth bass in the St. Lawrence River utilizing underwater video cameras. He observed small mouth foraging on VHS-infected round gobies throughout his study area (round gobies turn black when infected with VHS). He believes gobies are acting as a reservoir for the virus, which may be passed up the food chain into small mouth bass and other species (Eckerlin 2008, 2009).
- **VHS is not the only threat.** Airing on the side of caution is a good thing. Our waters are under constant pressure by foreign organisms from pathways such as ballast water, aquaria releases, angling and recreational boating, among others. It is true that VHS has not caused any major fish kills for several years, but what damage will the next pathogen cause? It is much more cost effective to retain a regulation that addresses all pathogens instead of allowing the next invader to cause damage.
- **The restriction of overland transport does not prohibit the use of baitfish.** Some anglers will be inconvenienced by these regulations, but this is true of any regulation that forces people to change habits, particularly those that may have been used for generations. Anglers have several choices under the current system: (1) They can collect and use bait from the same water closer to where they want to fish, or (2) buy baitfish from a certified baitfish vendor. Purchasing baitfish is more expensive than harvesting one's own, but by doing so one ensures the bait is pathogen-free and helps the local economy, and the certified bait can be used in any water body that allows live bait use.
- **The regulation might be working.** Since the regulations were instituted in 2007, VHS has not been discovered in any new waters. New waters are those waters with historically negative hits for VHS that have recently been found to be positive.
- **If the regulation is removed now it may be difficult to reinstate in the future.** At some point in the future an aquatic pathogen, like VHS, will enter the state that causes even more devastating ecological and economic harm. The only logical response will be regulations that control pathways such as baitfish.



**New York State has the opportunity to continue to be a national leader in the prevention of aquatic invasive species from entering state waters.** The baitfish regulations, in conjunction with several new policies under consideration including ballast water initiatives, the four-tier invasive species regulatory list, and an aquatic species transport law, represent a powerful shield against further invasion. If the overland transport of baitfish were to be allowed, a huge gap would be created in an otherwise strong prevention strategy.

Thank you for the opportunity to provide public comment.

Sincerely,



C. Walter Lender  
Executive Director

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