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**DEC ADOPTS EMERGENCY REGULATION TO HELP PREVENT SPREAD OF VHS  
TO ADDITIONAL NEW YORK STATE WATERS**

The New York State Department of Environmental Conservation (DEC) announced today the filing of an emergency regulation to help prevent the spread of Viral Hemorrhagic Septicemia (VHS) virus to additional waters in the State. The regulation, **which takes effect immediately**, limits the release, possession, and taking of certain bait and other live fish species. VHS is a pathogen of fish and does not pose any threat to public health.

VHS was first confirmed in New York waters in May 2006 in Lake Ontario and the St. Lawrence River, and has now also been confirmed in several fish species in Great Lakes basin waters in New York State and other states. Once a fish is infected with VHS, there is no known cure. Because of the fatal virus's ability to spread, and potential impact on fisheries, recreation, and the economy, the World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

VHS can be spread from water body to water body through a variety of means, not all of them known at this point. One known mechanism is through the movement of fish, including bait fish. DEC, in cooperation with the College of Veterinary Medicine at Cornell University, is sampling waters across the State, including all waters used as sources of brood stock for DEC hatchery activities, to help determine how far the disease has spread in New York.

A Federal Order was issued on October 24, 2006, by the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) in an effort to prevent the spread of VHS to other waters and to protect economically important sport fisheries and aquaculture. The Federal Order prohibits the importation of certain species of live fish from Ontario and Quebec and the interstate movement of the same fish species from eight states bordering the Great Lakes. The Federal Order was amended on November 14, 2006 to allow interstate movement of fish species provided the fish have been tested and certified free of VHS based on testing procedures implemented on the state level. Information on the Federal Order can be found on the APHIS website at [www.aphis.usda.gov/vs/aqua/](http://www.aphis.usda.gov/vs/aqua/) .

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The Federal Order does not address the movement of fish within New York State. In-state movement of fish for use as bait or for stocking could spread VHS in New York and cause significant adverse impacts to the State's fish resources. Therefore, in order to protect New York's valuable fishery resources, DEC has adopted emergency regulations to:

**Prohibit the commercial collection of bait fish from waters of the State where VHS has been detected.** The rule amends State regulations by removing certain waters impacted by VHS from the list of specially designated waters that allow bait fish to be taken for commercial purposes. A list of waters being removed is attached;

**Limit the personal possession and use of bait fish.** The rule limits the number of bait fish that may be possessed to a total of 100, as well as restricts the use of bait fish for personal use to the specific water from which it was collected. This rule does not pertain to the possession of bait fish in the Marine District; and

**Require live fish destined for release into the waters of the State to be inspected by certified professionals and be certified to be free of VHS and other serious fish diseases.** The rule prohibits the placement of live fish into the waters of the State (including possessing, importing and transporting live fish for purposes of placing them into the waters of the State) unless accompanied by a fish health inspection report issued within the previous 12 months. For all species of freshwater fish, a fish health inspection report shall certify that the fish are free of VHS, Furunculosis, Enteric Red Mouth, Infectious Pancreatic Necrosis Virus, Spring Viremia of Carp Virus, and Heterosporis. For salmon and trout, the fish health reports must also certify that the fish are free of Whirling Disease, Bacterial Kidney Disease, and Infectious Hematopoietic Necrosis Virus (IHN). The fish health reports must be issued by an independent, qualified inspector, as well as conform with specific testing methods and procedures.

The emergency regulations became effective today - November 21, 2006. Text of the regulation is available at <http://www.dec.state.ny.us/website/dfwmr/propregs/> on the DEC website. Hard copies of the rulemaking can also be requested from DEC by writing to: Shaun Keeler, NYSDEC, 625 Broadway, Albany, NY 12233-4750; or by calling DEC at (518) 402-8920.

While the emergency measure is in place, DEC will proceed with proposing these amendments as a permanent rulemaking. Publication in the State Register on December 6, 2006, will initiate a 45-day public comment period, concluding on January 22, 2006. During this time, the public may email comments by accessing <http://www.dec.state.ny.us/website/dfwmr/propregs/> on the DEC website. Comments can also be mailed to Shaun Keeler, NYS DEC, 625 Broadway, Albany, NY 12233-4750 .

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**List of waters where commercial bait fish harvest is no longer allowed due to VHS:**

**Cayuga County**

Fair Haven Bay (Little Sodus Bay)  
Lake Ontario  
Sterling Valley Creek (from road bridge on Route 104 to Lake Ontario)

**Chautauqua County**

Canadaway Creek (from mouth to Route 5)  
Cattaraugus Creek

**Jefferson County**

Beaver Meadow Creek  
Bedford Creek  
Chaumont River  
Cranberry Creek  
Crooked Creek  
Flat Rock Creek  
Fox Creek  
French Creek and tributaries, excepting lower three miles of French Creek  
Guffins Creek  
Horse Creek  
Lake Ontario  
Little Stony Creek and tributaries, all above the first road crossing (not including Six Town Pond)  
Mill Creek and tributaries, from first road crossing to Stowell Corners  
Mud Creek  
Mullet Creek and tributaries (Mullet Creek upstream from Route 12)  
Muskalonge Creek  
North Sand Creek (from the highway bridge in Woodville upstream to the Ellisburg-Adams town line)  
Otter Creek and tributaries  
Perch River  
St. Lawrence River  
Skinner Creek and tributaries (downstream from the Lum Road, also called McDonald Hill Road, located approximately 3.5 miles southwest of Mannsville)  
South Sandy Creek (from bridge at Ellisburg)

**Livingston County.**

Conesus Lake

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**Monroe County**

Braddocks Bay  
Buck Pond  
Cranberry Pond  
Irondequoit Bay  
Lake Ontario  
Long Pond  
Round Pond  
Salmon Creek (north of Ridge Road)

**Niagara County**

Barge Canal (west of Lock E35 )  
Lake Ontario  
Niagara River including the Little Rivers  
Tonawanda Creek/Erie Barge Canal (from Niagara River east to junction with Barge Canal near Pendleton)  
East Branch Twelve Mile Creek (from mouth to Route 18)

**Orleans County.**

Johnson Creek (from Kuckville to Lake Ontario)  
Lake Ontario  
Oak Orchard Creek (from Waterport to Lake Ontario)

**Oswego County**

Blind Creek and tributaries west of Route 11  
Catfish Creek (north of the hamlet of New Haven)  
Eight Mile Creek (north of Route 104A)  
Lake Ontario  
Lindsey Creek to Jefferson county line  
first tributary of Lindsey Creek, lower one-half mile  
Little Sandy Creek west of Route 11  
Nine Mile Creek north of Route 104A  
Oswego Canal  
Rice or Three Mile Creek north of Fruit Valley  
Salmon River from Pulaski to Lake Ontario  
Skinner Creek  
North Sandy Pond

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**St. Lawrence County**

Big Sucker Creek, Towns of Lisbon, Waddington  
Black Creek, Town of Hammond  
Brandy Brook, Towns of Waddington and Madrid  
Chippewa Bay  
Chippewa Creek, Town of Hammond  
Lisbon Creek, Towns of Oswegatchie and Lisbon  
Little Sucker Brook, Town of Waddington  
Oswegatchie River (downstream of the dam in Ogdensburg)  
St. Lawrence River  
St. Regis River, from Helena to the St. Lawrence River, Town of Brasher  
Sucker Creek, Town of Oswegatchie  
Tibbits Creek, Town of Oswegatchie

**Wayne County**

Bear Creek  
Black Brook  
Blind Sodus Bay  
Blind Sodus Creek  
East Bay  
First Creek  
Lake Ontario  
Port Bay  
Salmon Creek  
Second Creek (below falls at Red Mill)  
Sodus Bay  
Swales Creek  
Wolcott Creek

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