

Animal Rights Activist Files Flawed Colorado Petition Requesting Regulation to Ban Live Bait Fish Importation

National Aquaculture Association¹

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The [Colorado Aquaculture Association](#) and [National Aquaculture Association](#) collaborated to analyze a petition filed by an animal rights organization, [Upstream Policies](#), with the [Colorado Parks and Wildlife](#) requesting new state regulations to ban live bait fish importation. The organization presented three flawed analyses in support of their petition. In each instance critical information was not included that points to the falsity of their claims.

Upstream Policies

Upstream Policies aka Upstream Aquatic Institute is a Delaware-based nonprofit created, supported and funded by a UK-based philanthropic organization, Charity Entrepreneurship, which is focused on creating animal rights advocacy nonprofits. Please visit [Presenting: 2023 Incubated Charities \(Round 1\) - Charity Entrepreneurship](#) and then scroll to the last entry for an Upstream Policies profile.

A publication by Charity Entrepreneurship entitled [Ban the Use of Live-Bait Fish](#) consists of an analysis of the use of bait fish in the United States and provides a sophisticated step-by-step action plan to conduct what the charity terms as “interventions” to ban live bait fish.

The second step includes developing “evidence papers.” Upstream Policies has created three flawed evidence papers to support their petition: A Colorado angler survey, a published paper “Untangling the impact of live baitfish restrictions on recreational fishing participation in the United States,” and a summary of species introduced to Colorado through the use of live bait.

Colorado Angler Study

The petitioners cited Colorado Parks and Wildlife surveys and their own recreational fishing survey to argue “Live baitfish appears to be a bait of choice only for a minority of Colorado’s anglers.” The petitioners failed to present essential and readily available information.

The agency and petitioner estimated 13% of anglers preferred live bait during 2023 and 2024; however, the petitioner neglected to report that during 2023 the agency sold 830,000 fishing licenses. For that year, the “minority” was an estimated 107,900 Coloradans and

¹ The [National Aquaculture Association](#) (NAA) is a U.S. producer-based, non-profit trade association founded in 1991 that supports the establishment of governmental programs that further the common interest of our membership, both as individual producers and as members of the aquaculture community. For over 34 years NAA has been the united voice of the domestic aquaculture sector committed to the continued growth, creating a business climate conducive to our success, and fostering cost-effective environmental stewardship and sustainability.

visitors who paid for the privilege to fish for over 35 species within 6,000 miles of streams and over 1,300 lakes and reservoirs. If these recreational anglers stopped fishing, a conservative estimate of annual loss in collected habitat stamp fees (\$12.47) and resident fishing license fees (\$42.91) to the agency in support of Colorado's fishery management, supporting hatcheries and fish stocking operations would be \$5,975,502. These fees pay for the operation of 19 fish hatcheries, where over 90 million fish per year are bred, hatched, reared and stocked. Some hatchery fish enhance angling opportunities, an essential part of the state's economy, contributing \$1.9 billion annually.²

Fishing License Analysis

The "Untangling..." paper is a severely flawed analysis. Upstream Policies argued recreational fishing is not impacted when live bait fish are banned. They selected as a response variable recreational fishing licenses sales which are required whether a citizen uses live or artificial baits. The four-case study states they examined (Colorado, Maine, New York and Vermont) which have restricted or prohibited live baitfish imports continue to allow fishing with live bait fish. They were wrong in concluding fishing is not affected by live baitfish regulations by the number of issued licenses.

Introduced Species Analysis

The authors utilized the on-line U.S. Geological Survey [Nonindigenous Aquatic Species Database](#) to report "So far, in Colorado, 27 aquatic species have been introduced by the bait trade." A closer examination revealed this is not true. None of the fish, crayfish or salamander were introduced to Colorado through the commercial bait trade. The last fish introduced as bait was in 1993. This species, longnose dace, is native to the state and was probably transported by an angler. Commercial bait fish, as a potential pathway for species introduction, is adequately regulated and is of low introduction risk to Colorado.

Introduced Species

The U.S. Geological Survey introduced species profiles report that, overtime (1865-1993), 12 small-bodied fish (adult or juvenile) were native transplants within Colorado as bait for fishing.³ Two fish were introduced to Colorado from Utah as bait: [Utah chub](#) (1959) and [redside shiner](#) (1969). The [yellow perch](#) (1880) was introduced from a region stretching across Montana through the Great Lake States to the Northeast and mid-Atlantic, and the [green sunfish](#), a native transplant, were purposefully stocked for recreational fishing. The [golden shiner](#) from the Mississippi River Basin was purposefully stocked as a forage fish. Five fish cited as bait releases have failed to establish: the [White River spinedace](#) from Nevada; the [brook stickleback](#) from Nebraska; [ninespine stickleback](#) from the Illinois shore of Lake Michigan, [rudd](#) from Western Europe; and the [fallfish](#) from the northeast. The remaining five species were three native transplant crayfish ([ringed](#), [northern clearwater](#)

² [2025 Colorado Fishing Brochure](#).

³ [Longnose sucker](#) (1865), [white sucker](#) (1865), [red shiner](#) (1969), [brassy minnow](#) (1982), [big mouth shiner](#) (1983), [sand shiner](#) (1946), [fathead minnow](#) (1969), [longnose dace](#) (1993), [creek chub](#) (1938), [plains topminnow](#) (1982), [plains killifish](#) (1971), [stonecat](#) (1984).

and [virile](#)), one native transplant salamander ([eastern tiger](#)) and one crayfish ([rusty](#)) from Illinois and Ohio.

Adequate and Effective Regulations

The bait fish practices of the past are not the practices of today. Within Colorado, unauthorized transplanting or stocking of fish into any body of water is illegal. This includes live bait or aquarium fish. Illegal species introductions can harm public fisheries, the environment and is highly unethical. Penalties include:

- Significant fines, up to \$5,000.
- Permanent loss of Colorado hunting and fishing privileges.
- Paying up to hundreds of thousands of dollars to reclaim the body of water.

Attempts to Ban Live Bait Importation Based Upon Flawed Pathogen Analysis

Upstream Policies attempted legislation in New York and New Hampshire to ban live baitfish importation based upon a spurious baitfish pathogen pilot study. Those efforts failed because of in-state opposition informed by NAA analysis. The New Hampshire bill was voted down, 15-0, in committee. The New York legislation has been referred to committee and is not expected to move.

Please contact the NAA Office at naa@nationalaquaculture.org for additional information.