



# CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

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November 28, 2011

Sent via e-mail: [fgc@fgc.ca.gov](mailto:fgc@fgc.ca.gov)

Mr. Jim Kellogg, President  
California Fish and Game Commission  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814

## **RE: Proposed Amendments to Section 238.5, Title 14, CCR, RE: Stocking of Aquaculture Products**

Dear President Kellogg:

The California Farm Bureau Federation (Farm Bureau) is writing to provide input on the Fish and Game Commission's (Commission) planned action on amendments to Section 238.5, Title 14, CCR, RE: Stocking of Aquaculture Products. Farm Bureau, on behalf of its nearly 75,000 members, strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources. Farm Bureau's members will be impacted by these regulations in many ways and Farm Bureau requests that the Commission direct the Department of Fish and Game (Department) to rethink its approach and instead develop a program that allows California's aquaculture farmers to continue to provide fish to create the outstanding recreational opportunities for California citizens.

Farm Bureau members stock fish on their private property for their own personal enjoyment, rely on water provided through infrastructure maintained in part through the use of stocked fish, enjoy recreational fishing opportunities provided by fish stocking, and produce fish on their aquaculture farms. According to the State Water Resources Control Board, there are over 20,000 private ponds in California. The new stocking permit program proposed by the Department would create a significant burden on the pond owners who would be required to obtain a stocking permit under the proposed regulations. Further, it seems unlikely that many private pond owners would be willing to obtain a biological survey necessary to obtain a stocking permit due to the increased regulatory burden that would be created by publicly identifying the presence of threatened or endangered species on their property. The lost stocking opportunities would harm California's aquaculture farmers who currently supply fish to private pond owners. Finally, a reduction in fish stocking means a reduction in recreational fishing opportunities, which limits future fishing license sales as the next generation of anglers grows up without recreational fishing opportunities.

Farm Bureau appreciates the significant effort that has gone into trying to craft this new program; however it is predicated on a flawed environmental impact report (EIR). The mitigation measures for private stocking included in the EIR went beyond what was required by the court in the original lawsuit filed against the Department. Farm Bureau urges the Commission not to adopt regulations on private stocking until the current lawsuit over the EIR is resolved.

Farm Bureau supports the joint effort of the aquaculture industry and DFG to craft a solution acceptable to both industry and DFG's environmental concerns on aquaculture/stocking issues. This includes ensuring that any aquaculture regulation be fully developed prior to its implementation. Farm Bureau is concerned with the idea of implementing the first phase of the aquaculture regulation without the second phase being completed. It is extremely important that both parts of a regulation work together and that cannot be assured unless they are developed together. Ultimately Farm Bureau would like to see a solution that allows California's aquaculture farms to continue to thrive and provide significant fish stocks to create both enjoyable recreational opportunities and eating experiences.

Sincerely,

A handwritten signature in cursive script, appearing to read "Noelle Cremers".

Noelle G. Cremers  
Director, Natural Resources and Commodities

CC: Fish and Game Commission Members  
Sonke Mastrup, Executive Director, Fish and Game Commission  
Charlton H. Bonham, Director, Department of Fish and Game