

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CALIFORNIA  
95814

May 28, 2010

Honorable Arnold Schwarzenegger  
Governor  
State of California  
State Capitol  
Sacramento, California 95814

Dear Governor Schwarzenegger:

We are writing to express our grave concerns with the proposed regulations and certification requirements under consideration by the Department of Fish & Game (DFG) for fish stocking in public and private ponds, lakes, streams and county parks. If these new regulations are adopted later this year by the Fish & Game Commission, the economic impact will be catastrophic for state and private hatcheries, and the many related industries that support the multi-billion dollar recreational fishing industry. Likewise, millions of recreational fishers who rely almost exclusively on the sustainable process of fish stocking in public and private waters will no longer be able to enjoy this family-friendly outdoor activity.

In 2006, two environmental groups filed a lawsuit against DFG claiming that the stocking of fish that has been going on for more than 120 years was now causing degradation of a few native species in certain high mountain areas of the State. In their overreaching response to the litigation, DFG has decided to provide at least 80 native species with protection that is substantially similar to protections that apply to endangered species. Similarly, DFG has decided to apply their desired new regulatory requirements statewide, rather than focusing on the alleged local impacts identified in the original litigation. DFG appears to be basing their decision to move forward with the new regulations on very questionable science that ignores the fact that a clear correlation does not exist between fish stocking and the decline of a few native species in certain parts of the state.

It is our understanding that the proposed DFG regulations will require all public and private bodies of water to be tested for the presence of at least 80 native species – most of which are not classified as either endangered or threatened by federal or state agencies. Further, there is a supplemental list which could add additional species. Under the new regulations, if DFG determines that fish stocking will have a “significant impact” on any of these species at a particular location, then fish stocking will no longer be permitted at that location. The Department has not defined “significant

impact” nor has it established the particulars of the testing regime, thereby leaving the potential costs, testing biases, and testing timelines totally unknown.

At the very least, we expect recreational fishing industry and public and private areas to be severely impacted, if not eliminated, until they can comply. The certification process will take many months, if not years, and will drive many private fishing operations out of business due to the unreasonable regulatory burdens and costs to comply.

Additionally, it has come to our attention that the Department is considering regulations that will require all hatcheries and private aquaculture farms to be tested annually for 35 diseases and quarterly for 7 invasive species. Again, DFG has not established the particulars of the testing regime – but it is certain that the cost for complying with DFG’s desired regulatory requirements will range from tens of thousands to hundreds of thousands of dollars. It is important to note that the DFG does not have the qualified staff or resources to conduct the testing and cannot direct private hatcheries where to go for the testing, because no facilities currently exist that can handle the volume and kind of testing required by these proposed regulations. Many stocking operations will be driven out of business due to the cost of compliance and/or from the long delay caused by conducting the testing.

Halting the stocking of fish in California would be disastrous to the multi-billion dollar recreational fishing industry that relies on this sustainable resource for their livelihood. At a time when we continue to struggle with our state budget and the overall economy, DFG’s threatened course of action would put thousands of additional Californians out of work and thoroughly devastate rural economies of areas where recreational fishing is the major source of economic activity. We encourage your direct intervention with DFG and the Fish & Game Commission to ensure that the proposed regulations do not place unnecessary burdens on this vital industry. At the very least, we would recommend that the current regulatory process underway at DFG be halted until a more thorough public review of the proposed regulations can be conducted by your office and the Legislature.

Sincerely,



Senator Dennis Hollingsworth  
36<sup>th</sup> Senate District



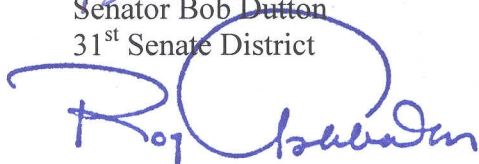
Senator Dave Cogdill  
14<sup>th</sup> Senate District



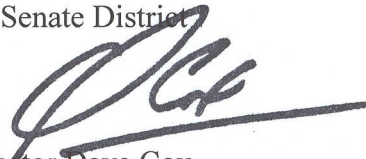
Senator Bob Dutton  
31<sup>st</sup> Senate District



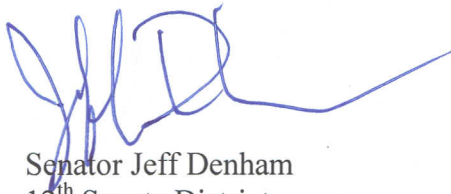
Senator Sam Aanestad  
4<sup>th</sup> Senate District



Senator Roy Ashburn  
18<sup>th</sup> Senate District



Senator Dave Cox  
1<sup>st</sup> Senate District



Senator Jeff Denham  
12<sup>th</sup> Senate District



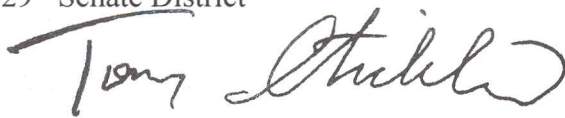
Senator Tom Harman  
35<sup>th</sup> Senate District



Senator Bob Huff  
29<sup>th</sup> Senate District



Senator George Runner  
17<sup>th</sup> Senate District



Senator Tony Strickland  
19<sup>th</sup> Senate District



Senator Mimi Walters  
33<sup>rd</sup> Senate District



Senator Mark Wyland  
38<sup>th</sup> Senate District

Cc: Jim Kellogg, President, Fish & Game Commission  
John McCamman, Director, Department of Fish & Game