

December 7, 2011

Mr. Jim Kellogg / President
California Fish and Game Commission
P.O. Box 94244-2090
Sacramento, CA. 94244-2090

Re: Amended Initial Statement of Reasons for Section 238.5, Title 14, CCR, Private Stocking Permit Regulations

Dear Mr. Kellogg and Commissioners

As a practicing professional, Environmental Planner, since 1987, it is with the utmost urgency that this correspondence is being forwarded to your Commission for consideration relative to the above reference DFG matter. To the extent that any new regulatory procedures are needed to off-set the potential for unmitigated, adverse environmental impacts associated with fish stocking in the State's pristine lakes and waterway systems, I have no objection to the new regulations. However, as applied to man-made water reservoirs or highly disturbed ponds and/or urban lakes, the same application of these extra environmental clearance requirements will actually have the opposite effect of harming the environment and must be removed from further DFG consideration due to the spillover costs and the adverse consequences that would occur from their application. The following professional observations are listed below for your consideration:

- (1) The new environmental regulation would do little to help preserve urban pond, man-made reservoirs and/or highly disturbed recreational fishing lakes in the absence of the new regulations and fish stocking activities should be allowed to continue without mandating their use for these types of non-pristine waterways.
- (2) The compliance with these new regulations would create a substantial finance burden on the private ownership of fish stocking operation and paid-to-fish lakes that would force many of these providers and facilities to closes down as a function of the added cost of compliance to DFG regulatory procedures and mandates.
- (3) Fewer recreational fishing opportunities would force local anglers to target the State's sensitive fish populations in waterways that are further out from the urban centers where most angler's live resulting in greater weekend traffic congestion leaving our cities that would "significantly" impact our air quality in the process (which is already at a non-attainable level per State's AQMD policy for most basins in violate to Federal Regulations governing the same).
- (4) As a result of fewer recreational fishing opportunities, the added migration of anglers going to the High Sierras and/or other Northern California fishing grounds will make the State's sensitive native fish stocks the new targeted species of chose. This anticipated increase in fishing pressure on pristine fishing grounds (occurring as an unintended consequence of the proposed regulatory enactment) will result in a rapid and serious decline in targeted fish specie populations that will aversely affect their historical range caused by new patterns of overfishing practices.
- (5) If paid-to-fish operations are forces to close given their inability to comply with these new environmental regulations, these pond and lake facilities will need State and/or Local funding to continue to provide for their long-term maintenance. In light of the country's fiscal crisis, neither the State nor the Local Park Districts can financially shoulder this extra open space maintenance cost associated with the projected increase in unmanaged waterway facilities. Consequently, the State should anticipate a further erosion of its scenic and biological waterway resources creating greater liability to the governmental entities with jurisdiction over them relating to public trespassing and the occurrence of personal injuries or even deaths at these future unmanaged ponds and lakes.

It is for all the above reasons that I respectfully request the Department and your Commission to reject the subject fish stocking regulations as proposed in favor of restricting the scope of environmental review to ONLY critical and sensitive habitat areas relating to highest ecologically valued natural stream and lake systems that would be most adversely affected by unregulated fish stocking practices.

Sincerely



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