



MERCED IRRIGATION DISTRICT

November 16, 2011

Jim Kellogg, President
California Fish and Game Commission
P.O. Box 944209
Sacramento, CA 94244-2090

Subj.: Final DFG Environmental Impact Report (EIR) / Environmental Impact Statement (EIS)
and Private Fish Stocking Regulations

Dear President Kellogg:

The Merced Irrigation District (MID) is located along the Merced River, just west of the Yosemite National Park. As part of its Parks and Recreation department, the MID owns and operates 5 major recreational facilities. These recreational areas are located on two reservoir lakes: Lake McClure, which is formed behind the New Exchequer Dam; and Lake McSwain, located just downstream from Lake McClure.

Thousands of people visit and enjoy these recreational areas each year. One of the primary attractions to these popular sites are the outstanding fishing opportunities. Lake McClure contains both warm and cold water species, and supports a self sustaining fishery. This self sustaining fishery is supplemented by a California Department of Fish and Game (CDFG) stocking program. Fishing at Lake McSwain is also supplemented by CDFG stocking programs as well as a private stocking program consisting of farm raised rainbow trout from a private hatchery.

Both lakes and all 5 of MID's recreational areas provide outstanding fishing opportunities for residents of the Central Valley and the state as a whole. The existence and management of these fisheries have proven to be extremely beneficial to these major recreational attractions and the people that enjoy them in numerous and invaluable ways over the decades.

As you know, in January 2010 CDFG adopted an EIS/EIR that was originally intended to analyze the environmental impacts of its own fish hatchery program. Although not required by the court order, the CDFG unilaterally expanded the scope of the EIS/EIR and included a review of private fish hatcheries and concluded that those programs caused significant environmental impacts. CDFG concluded a mitigation program was required and created a new regulatory scheme that most agree will devastate the fishing industry.

MID agrees with the belief that these new regulations are unnecessary and illegal, and is OPPOSED to the new CDFG plan to implement costly regulations that threaten every fresh water hatchery, fish farm and stocking pond in California. These regulations threaten the private trout hatchery that provides stocked fish to Lake McSwain, even though there is no evidence that this hatchery is detrimental to any species of concern, or further, that it is detrimental in any way. Such regulations are likely to put small business owners who stock private lakes out of business and thousands of jobs that rely on outdoor recreation and fishing will be lost. California's economy can't afford this plan!

MID understands the desire to produce fish that are beneficial to the environment, but the regulations (proposed Phase II) go too far in requiring that stocked fish must be certified to be disease and parasite free. No natural organism is free of parasites or disease. Furthermore, similar to water quality programs, once a private hatchery has proven that it is producing healthy fish and its management practices are consistent, yearly testing and certification should not be required. As you will hear from the larger community, if CDFG would have engaged and collaborated with the actual stakeholders subject to these proposed regulations, a more sensible approach could have been developed.

Please do not implement these unnecessary and onerous regulations being placed on private hatcheries without obtaining stakeholder input regarding a more sensible and workable approach.

Thank you for the opportunity to provide comments on this important decision facing the Commission.



Bryan Kelly
Director of Regulatory Affairs