



DEPARTMENT OF ANIMAL SCIENCE
TELEPHONE: (530) 752-1250
FAX: (530) 752-0175

ONE SHIELDS AVENUE
DAVIS, CALIFORNIA 95616-8521

November 21, 2011

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

Subject: Proposed Fish and Game Regulations

Dear Mr. Kellogg and Commissioners:

I am the Extension Aquaculture Specialist for the University of California, and I have been a member of the State Aquaculture Development Committee and the State Aquatic Disease Committee since their inception. At the October 14, 2011 Aquaculture Development Committee meeting, I listened with interest to the proposed changes for the California Fish Stocking Permits as presented by California Department of Fish and Game (CDFG, Department) staff. I am not in support of the regulatory changes as proposed in Phase 1 of the CDFG plan as presented at the October 14th meeting.

I have been especially concerned with the Department's approach concerning the EIR/EIS. From 2008 through 2009, the Department was developing its response to the EIR/EIS, which potentially has a significant impact on aquaculture development in the State. However, the Development Committee did not have access to the information being developed until late 2009 when the draft document was released for public comment. I was additionally concerned because from 2009 through the present, the Aquatic Disease Committee was asked by the Department to participate in the development of disease protocols and potential new regulations (Phase 2), which were to be based on passage of Phase 1 of the EIR/EIS process. During all of the committee's past deliberations, paramount in our approach has been securing aquaculture's development and operation within the environmental philosophy of the State, with consideration given to the economic impacts of our decisions. I feel that the Commission's acceptance of the Department's current approach will prove detrimental to the viability of the aquaculture industry in California.

Because I serve on both the State's Development Committee and Disease Committee, I know that to fully appreciate the impacts of the Department's approach, the full impact of the dual action of Phase 1 and Phase 2 has to be considered. Phase 1 is based on perceived threats to our natural resources, without establishment of a scientific link to actual environmental damage caused by aquaculture's stocking practices. On several occasions, at various meetings, the Committees have requested that the Department provide scientific evidence that directly links private stocking activities to any of the implied consequences that these regulations are being proposed to prevent. The Department appears to be reluctant to release such findings to the Committees, as it likely shows there is no substantial damage that can be documented after many decades of private stocking. Moreover, California does not even have the necessary

resources to conduct the projected level of pathology monitoring being discussed by agency pathologists at meetings of the Disease Committee, and such resources would include the diagnostic capabilities of the Resource agency's pathology staff combined with available private and university services in California. When questioned about this, the Department's response is that they could contract the disease analysis to other state and state university laboratories. A simple query to these sources, however, will reveal the infeasibility of such an approach based on cost, the internal priorities of these other agencies and institutions, and the time element for completion of tests resulting from these conflicting priorities.

As an independent University observer with over 30 years of working with both the Department and the aquaculture industry, I can categorically say that many, if not most of the small freshwater producers, will be put out of business by these actions. There will most likely be severe economic impacts to the State, as either fishing license sales will decrease as a result of fewer fishing opportunities, or the potential problems inflicted on the resources of the State will greatly increase, as many more people will resort to illegally importing fish into the State to avoid dealing with these regulations. Given the economic situation the State of California currently finds itself in, both consequences are un-acceptable. In essence, the cost hugely outweighs the benefits, if there are any benefits at all. There is almost no upside to these regulations and only downside consequences.

Since the inception of the Development Committee and the Disease Committee, its members, as a whole, have worked within the framework of environmental concern and resource protection as requested by CDFG and its directors. This includes representatives from industry, various agencies, university, and non-governmental organizations. As an individual member of both committees, I have always felt aligned with the Department when it has worked with the industry to address aquaculture development, or issues of aquatic pathology that were consistent with good environmental policy. On the issue of the adoption of Phase 1, I am opposed to the Department's positions.

With respect,

A handwritten signature in black ink that reads "Fred S. Conte". The signature is written in a cursive, slightly slanted style.

Fred S. Conte, Ph.D.
Extension Aquaculture Specialist