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# Yuba-Sutter pond owners fishing for answers after judge's ruling

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By Ben van der Meer/ADbvandermeer

Owners and operators of fish ponds and lakes may feel like they're getting a hook in their thumb from new state regulations set to be adopted in coming months.

After a Sacramento Superior Court judge's ruling last month, all such ponds and lakes will have to be permitted and checked by state officials for possible impacts on local and native species.

[Read the Sacramento judge's ruling.](#) [Or read the cost implications.](#)

Though the exact costs have not been fleshed out, a spokesman for the California Association for Recreational Fishing said small operators may choose to stop stocking entirely rather than pay for permits.

"The environmental assessments, if they're needed, will cost upwards of \$100,000," said Marko Mlikotin, the association spokesman. "That small lake operator will say, 'I can't stock fish anymore.'"

In Yuba-Sutter, the regulations, which the state Fish and Game Commission must still formally adopt, will affect bodies of water operated by public agencies, like the Yuba County Water Agency's Lake Francis in Dobbins, and those managed privately, like Lake Minden in Nicolaus.

Mlikotin said the regulations emanated from a lawsuit by environmental groups against the state over state-run fisheries amid concerns about possible fish escapes and subsequent interactions with native species.

The state lost the suit, but the subsequent regulations were written to apply to both private and public fish stocks, he said.

"Our contention went that a major source of the aquaculture industry wasn't brought into the discussion of the regulations," he said.

But the ruling last month, in response to another suit filed by the recreational fishing association, gives the state the go-ahead to require owners of fish lakes and ponds to pay an undetermined fee for permits. In some cases, the owners may also have to pay environmental assessments.

"This decision reinforces what we have known here at Fish and Game for some time: that our fish-stocking program adopted in 2010 strikes the right balance by affording public fishing opportunities while maintaining our stewardship of California's rivers and streams," said DFG Director Charlton H. Bonham, in a press release issued after the ruling.

However, the new regulations may have the opposite effect of what is intended, said Dan Spangler, who operates an aquaculture farm for catfish near East Nicolaus.

Because the fine for not submitting to a permit inspection is \$250, Spangler said, many lake owners may opt to pay that instead and be largely unregulated.

"I'm not sure if it's going to have any impact on me," Spangler said. "My question is, what are the unintended consequences?"

Lincoln Young, general manager at Collins Lake near Browns Valley, said he's not concerned about the impact on him.

Fish and Game already has an active program to stock the lake with rainbow trout, the only species in the lake that isn't native. Because those trout are sterile, he said, he doubts state regulators will see any potential issues.

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"The ones most likely to be impacted are the ones Fish and Game is not active in," he said.

Still, he said he's sympathetic to state regulators who want to preserve natural river systems and animal species, and lake owners who see the issue as another example of state overreach.

In the long run, Mlikotin's group believes, the impact will be felt first by fishermen who enjoy visiting lakes and the local economies around them.

And with much of the state's fresh fish coming from such ponds, Spangler said, others will notice too.

"If you're somebody in the live fish market who's getting supply, you're going to hit the consumer really hard," he said.

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