

FEATURE

FRESHWATER SPECIAL



New rules threaten freshwater sector in California



New regulations governing aquaculture in California could adversely impact the state's lucrative freshwater sports fishing industry which depends on hatcheries for stocking its lakes and streams.

BY ERICH LUENING

There's a fear amongst freshwater fish farmers and pond stockers in the Golden State that their livelihoods are in jeopardy thanks to a set of new rules and protocols proposed by the Department of Fish and Game (DFG) that look to enforce inspections, monitoring and permitting of their private businesses.

In a recent column, *Bakersfield.com's* outdoors columnist Steve Merlo connected the proposed rules on freshwater fish farming to the state's popular freshwater fishing industry worth, according to some estimates, over \$2 billion dollars.

"Well, our illustrious DFG now wants to put an end to all those great, hard-fighting, privately raised fish by

shutting down the fish farms where they were raised through unneeded and unwanted regulations," he argued.

"By charging for expensive inspections, monitoring and permitting to prevent the so-called spread of unwanted DNA into our native species, the DFG wants to take unwarranted control of fish farmers' lives and ponds. This action will all but shut down the private fishery sector because of increased costs to their businesses and ultimately their already satisfied customers."

Merlo also noted that most of these businesses have been open a long time, some for more than 80 years. They never seemed to cause any problems until 2010, when the DFG got its "rear end handed" to it in a lawsuit filed by the NGO Center for Biological Diversity, demanding the DFG stop planting trout in a host of lakes and streams

Lawsuit backgrounder

A few years ago, a coalition of environmental groups successfully sued the California Department of Fish and Game under the California Environmental Quality Act (CEQA), contending that the department had violated CEQA because it had never assessed the environmental impacts of the Department's operation of several fish hatcheries throughout California. *Pacific Rivers Council v. California Department of Fish and Game*. On remand, the Department produced an environmental impact report (EIR) that went beyond the court's mandate by analyzing not just the effects of Department-run hatcheries, but also the effects of private fish stocking operations.

The new EIR, issued in early 2010, concluded that, as currently regulated, private fish stocking has a significant impact on the environment. To mitigate that impact, the EIR proposed a number of new limitations and protocols on the existing private fish stocking permitting regime, among them the elimination of the regulatory exception to the permitting requirement for certain fish species, and the requirement that all new permits be subject to the decision protocol set forth in the EIR's Appendix K. That protocol requires the denial of the permit application if the fish stocking would have significant adverse effects on certain species.

For more information on this lawsuit and further background on the EIS/EIR now headed to the California Department of Fisheries and Game Commissioners, go to these web sites: www.savecalfishing.org and www.dfg.ca.gov/news/pubnotice/hatchery/

because of environmental concerns over species purity.

Merlo isn't alone in his frustration over the new rules. The California Association for Recreational Fishing (CARF) supported by the Pacific Legal Foundation (PLF) has filed suit against the DFG, claiming in the case summary that the state agency "is moving forward with significant restrictions on fish stocking companies – including hatcheries and private fishing lakes and ponds – that threaten their ability to stay in business."

The regulations, CARF claims, are based on "a very unscientific premise" that stocked fish always and everywhere have negative effects on indigenous species and habitat.

The new regulatory oversight could change the legal status of pay-to-fish operations, said Marko Mlikotin, executive director of the California Association for Recreational Fishing. He explained that the operators are now considered "aquaculturists" or fish farmers, who sell their produce – fish – to the public, he said. If the pay-to-fish operators aren't considered fish farmers, their customers would have to get licenses in most situations, he said.

In many cases, the pay-to-fish operations put "fish farm" in their businesses name because they do indeed raise the fish from fingerling to catching size before stocking them in their on-site fishing hole, pond, or lake.

"The bureaucrats made a far reaching conclusion by including private hatcheries and farms in the final Environmental Impact Report (EIR) without even consulting or holding a public meeting with the aquaculture community," Mlikotin said.

Craig Elliot is a catfish farmer who runs privately stocked Corona Lake, which his family has owned and operated for 30 years. His Imperial Catfish Farm supplies fish to Los Angeles City and County, Orange County, San Bernardino County, Riverside County and many lakes in San Diego County. They are also a big supplier for many of

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the popular “pay” lakes in Southern California like Santa Ana River Lakes, Anaheim Lake as well as Corona Lake.

“We’ve all been scratching our heads over this,” Elliot said. “These lakes have been stocked for over 100 years, and if there ever was an environmental impact, it would have happened long ago.”

He also acknowledged that the new rules coming down from DFG are yet another example of how California is becoming a less friendly place for aquaculture, whether offshore or inshore.

“Originally the new rules were for DFG trout hatcheries and stocked lakes only, but somewhere along the way the private industry guys, like me, were tagged on,” Elliot explained. “It wasn’t until an aquaculture meeting in 2010, were we told that we should take a look at the new EIR because it was going to impact us as well.”

The EIR went from just dealing with DFG trout hatcheries to now dealing with all aquaculture fish stocked in lakes and ponds for fishing.

“If you try to fit this trout plan on the whole private aquaculture industry it won’t work,” Elliot claimed.

THE NGO LAWSUIT

The effort to increase scrutiny of hatchery and stocking operations stems from lawsuits filed by environmentalists over the state’s century-old practice of stocking fish in public lakes, rivers and streams for recreational anglers, DFG Commissioner Richard Rogers told *Aquaculture North America* in an exclusive interview.

About six years ago, the Tucson-based Center for Biological Diversity sued Fish and Game, contending that the state’s stocking should be subject to a comprehensive environmental study, according to newspaper reports at the time. The group sued the state again last year when it found the subsequent state study inadequate.

The center has said all along that stocking lakes and waterways with non-native trout has contributed to declines of many native species, particularly amphibians such as the mountain yellow-legged frog, Cascades frog and long-toed salamander, which need fishless, high-mountain lakes for survival. Fish feed on the amphibians’ eggs and young. The center also contended that hatchery-raised fish breed with native animals and thus weaken the native strains.

In 2008, when the Sacramento Superior Court judge ruled in favor of the plaintiffs – The Pacific Rivers Council and Center for Biological Diversity – the judge did allow the DFG to continue its stocking programs in a limited fashion while the agency, under court order, was required to complete an Environmental Impact Statement (EIS) by 2010. After a few hiccups, the EIS/EIR (Environmental Impact Report) process, which cost the state millions of dollars over several years, was complete and heading to the DFG Commission for final review.

“Let’s just say we will review the latest rules and protocols this fall,” said Commissioner Rogers. “We will then see if it is overly conservative or sensitive and we would then see if the impact of this type of aquaculture is not going to hurt native species in our fishery.”

Rogers was quick to add that the commission is dedicated to the development of aquaculture in the state while also being sensitive to the substantial negative results the industry may have on the environment.

Rogers also said he expects the EIS/EIR to come before the commission no later than October.

ANA

Canadian hatchery appoints new sales rep

Lynn Reick, President of Lyndon Fish Hatcheries, recently announced the addition of Camilla Timm as a sales representative for the Ontario-based company.

Timm, who is based in Washington state, will help the company serve customers and help promote products as the business expands.

Timm has over 30 years of experience in the salmonid egg industry. She will assist Lyndon Fish Hatcheries with their egg sales globally and within Canada.

Operations Manager Clarke Reick says, “the addition of Timm to our team will allow us to do what we do best – raise and grow our broodstock and fingerlings. This allows Timm to do what she does best – customer service.”

Lynn added that eggs are limited this season, so they hope customers can work with Timm early to reserve eggs for their needs before supplies run out.

Timm can be contacted at her office in the United States at Tel: 253-212-0069 or by email at: camtimm@hotmail.com. Lyndon Fish Hatcheries Inc can be reached at 519-696-3142 or website: www.lyndonfishhsteries.com



Left to right: Lynn Reick, President of Lyndon Fish Hatcheries, Cam Timm, and Lyndon’s Operations Manager, Clarke Reick.

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