

# Private fish pond owners balk at more oversight by state

By Edward Ortiz, Sacramento Bee

Operators of private fish ponds and lakes around the state say a recent court ruling could saddle them with devastating costs and potentially force some out of business.

The Sept. 19 ruling by Sacramento Superior Court Judge Lloyd Connelly allows the state's Department of Fish and Game to proceed with plans to require fish pond owners to obtain permits for their operations. The permitting requirement would apply to 4,000 lakes and 20,000 ponds in California.

Pond and lake owners would have to pay an as-yet-undetermined fee to obtain a permit. Some would also have to conduct an environmental review to show that their fish would not invade other bodies of water and cause harm to native fish or animals. Fish and Game also proposes to require them to provide a certificate stating that their fish are pathogen free.

Fish pond operators say those requirements are too onerous.

"The (court) ruling is just not prudent," said Ken Beer, owner of the Fishery – a Galt-based fish farm that has four locations and grows sturgeon, catfish and carp. Beer supplies live fish to more than 60 Asian live markets as well as local restaurants in the Sacramento region.

He said the proposed requirement that fish be certified as disease-free would be particularly difficult to meet.

"We would have to go out and find the company to do that certification – and right now there are few labs that can do it," he said. "It would be like going to the city of Los

Angeles and certifying that everyone there is disease-free.”

The permitting is meant to safeguard a list of 89 “decision” native animal species, each of which may come under threat depending on what kind of fish a landowner decides to stock in a pond or lake.

Fish and Game proposed the new regulations after environmental groups filed lawsuits arguing that the department was not adequately evaluating the potential impact on native fish species reared in its own hatcheries. The department responded with new rules for the hatcheries – and is now proposing new scrutiny for private lakes and ponds as well.

In a court filing, the department argues that protecting native fish and animals is of the “utmost public interest.”

The department’s proposed permitting program, which still must be approved by the state Fish and Game Commission, would apply to 37 counties, most of them in the Central Valley, including Sacramento County.

Lake and pond owners in those counties currently are not required to pay any permitting fee to stock fish.

Fish pond and lake operators in the state’s remaining counties – mostly in the mountains and along the coast – already are required to obtain permits, which now cost \$53. There is no environmental assessment required.

Fish pond owners in the Central Valley say they’re worried that it will be expensive to comply with the proposed permitting requirements, because they may have to pay for an environmental assessment that could cost thousands of dollars.

The permitting process will likely be required every five years.

For some, the costs could run into six figures, predicted Marko Mlikotin, spokesman for the California Association for

## Recreational Fishing.

To help make its case, the fishing industry group hired Pasadena-based Sapphos Environmental, a consulting firm, to gauge what such permitting would cost for four different-size lakes.

The firm concluded that conducting an environmental analysis would cost the owner of Dixon Lake, near San Diego, \$181,086. Closer to home, 8-acre Knickerbocker Lake in Lincoln would incur costs of \$46,515 to satisfy permitting requirements, the report said.

“This will have a devastating impact on recreational fishing and outdoor tourism, and on businesses as well as local government sales tax,” CARF’s Mlikotin said.

Fish and Game officials say the cost of permitting will not be as heavy as the industry contends, because only a portion of ponds and lakes will be required to conduct environmental reviews.

“The department disputes CARF’s estimate,” said Fish and Game spokesman Mike Taugher.

Beer, though, contends that the permitting requirement could eventually cause some fish farms to go out of business, and so reduce the amount of fresh fish available to diners in the Sacramento area.

“Most of the fish grown in private fish farms, except for trout, are sold for food – and almost all of it is sold and consumed locally,” he said.