



State of California
The Resources Agency
DEPARTMENT OF FISH AND GAME
1416 Ninth Street
Sacramento, California 95814

Inland Fisheries - Informational Leaflet No. 6

REGULATIONS GOVERNING PRIVATE STOCKING OF
AQUATIC PLANTS AND ANIMALS (NONCOMMERCIAL)¹

Permits Required

State law requires a permit from the Department of Fish and Game for private transportation and stocking of live aquatic plants and animals in many waters of the State. This applies to plants and animals reared within the State as well as those imported into California.

The purpose of the permit system is to prevent the introduction or spread of undesirable kinds of plants and animals and diseased or parasitized plants and animals which might prove harmful to aquaculture and the State's aquatic resources.

The pertinent laws and regulations for private stocking are attached at the end of this leaflet. You should pay particular attention to Section 238.5.

You do not need a Private Stocking Permit for a registered aquaculturist to stock one of these eight common species:

rainbow trout	Sacramento perch
largemouth bass	channel catfish
bluegill	blue catfish
redeer sunfish	white catfish

and if your water is located in the following counties or portions of counties (also see following page):

Alameda	Stanislaus
Butte	Sutter
Colusa	Tehama
Contra Costa	Ventura
Glenn	Yolo
Imperial	Yuba
Kings	Kern (except in the Kern River drainage above Democrat Dam)
Los Angeles	
Merced	Lake (except in Eel River drainage)

^{1/} Prepared by Inland Fisheries Division, November 1996.

Napa	Amador	}	- west of Highway 49
Orange	Calaveras		
Riverside	El Dorado		
Sacramento	Mariposa		
San Benito	Nevada		
San Bernardino	Placer		
San Diego	Tuolumne		
San Joaquin	Fresno	}	- west of national park and national forest boundaries
Santa Barbara	Madera		
Solano	Tulare		

On the other hand, if your water is located outside of these areas and/or you desire to stock species not listed on page 1, then you will need to apply for a Private Stocking Permit (Form FG 749). A copy of the application is attached to this leaflet, and additional copies may be obtained from regional offices of the Department. Fill in the form to the best of your ability and submit it along with the appropriate fee² to the regional office of the region in which your pond is located. The mailing addresses and counties of responsibility of the five regions are listed below:

Region 1 - 601 Locust Street
 Redding, CA 96001
 (916) 225-2300

Del Norte	Shasta
Humboldt	Siskiyou
Lassen	Tehama
	Trinity

Region 2 - 1701 Nimbus Road
 Rancho Cordova, CA 95670
 (916) 358-2900

Alpine	Plumas
Amador	Sacramento
Butte	San Joaquin
Calaveras	Modoc
Colusa	Sierra
El Dorado	Solano
Glenn	Sutter
Nevada	Yolo
Placer	Yuba

Region 3 - P.O. Box 47
 Yountville, CA 94599
 (707) 944-5500

Alameda	San Benito
Contra Costa	San Francisco
Lake	San Luis Obispo
Marin	San Mateo
Mendocino	Santa Clara
Monterey	Santa Cruz
Napa	Sonoma

Region 4 1234 East Shaw Avenue
 Fresno, CA 93710
 (209) 243-4005

Fresno	Merced
Kern	Stanislaus
Kings	Tulare
Madera	Tuolumne
Mariposa	

^{2/} Regulations require that the Department charge a fee for this permit. The amount is indexed to the standard of living and changes regularly. The 1996 fee is \$34.25. Contact the appropriate regional office to determine the current amount of the fee.

Region 5 - 330 Golden Shore, Suite 50
Long Beach, CA 90802
(310) 590-5151

Imperial	Riverside
Inyo	San Bernardino
Los Angeles	San Diego
Mono	Santa Barbara
Orange	Ventura

This leaflet does not cover the importation of live aquatic plants and animals. If you wish to import them into California, you should obtain Informational Leaflet No. 36, "Importation of Live Aquatic Plants, Invertebrates, Fish, Amphibians, and Reptiles".

If you are interested in raising aquatic plants or animals commercially, you should request Informational Leaflet No. 35, "Aquaculture in Inland Waters of California", or Marine Resources Informational Leaflet titled: "Regulations Governing Marine Aquaculture". Both leaflets are available from: Department of Fish and Game, Inland Fisheries Division, 1416 Ninth Street, Sacramento, CA 95814, (916) 653-6194, or the regional offices listed above.

Inspection May Be Required

In certain circumstances, the Department may require an inspection of waters to be stocked before issuing a Private Stocking Permit. Often, an inspection will not be necessary.

Your regional office will make an appointment with you for an inspection, if it considers one necessary. It is often impractical to make an inspection immediately. It will usually be made on the next regular trip into your area.

Where to Get Fish

Fish for private stocking may be purchased from registered aquaculturists. Your regional office will provide a list of these aquaculturists upon request. You may not lawfully stock your pond with fish taken under the provisions of a sport fishing license.

Regular State Angling Regulations Apply

Seasons, bag limits, and other California angling regulations apply to all waters on private lands in California, except registered aquaculturist's ponds.

A fishing license, however, is not required for sport fishing by an owner of real property, or the owner's invitee, who takes fish for purposes other than profit from a lake or pond that is wholly enclosed by that owner's real property and that is located offstream and not hydrologically connected to any permanent or intermittent waterway of the State.

Private Stocking of Lakes, Ponds, Reservoirs Streams

Both private and public waters may be stocked with suitable fish by private groups or individuals, or civic organizations, in conformity with Fish and Game Commission regulations.

There are few restrictions on the stocking of trout, other than that they must be free from diseases and parasites. Some species of trout may not be permitted in certain drainages.

Warmwater fish, such as sunfish, catfish, crappie, and black bass, may usually be stocked in private waters only in drainages where they are already present. They may not be stocked in private waters draining into salmon and steelhead streams, in mountain trout areas, or in public waters.

Consult your regional office for advice on kinds and numbers of fish to stock, and for more information on the kinds which may be stocked in your area.

Stocking of Trout by the Department in Private Waters

The Department has a strict policy against stocking the trout it raises in waters which are posted or are not accessible to the public. However, in suitable private trout lakes, the Department may stock trout if the owner agrees to open the lake to the public for five years after such stocking. Consult your regional office for more information. The Department may stock catchable-sized trout in streams on private lands, provided free public access is permitted during the fishing season when stocking occurs.

Stocking of Warmwater Fish in Private Farm Ponds

Warmwater fish, such as catfish, largemouth bass, and sunfish, can usually be obtained from registered aquaculturists. The Department recommends this source for stocking farm ponds. Contact your regional office for more information and for a listing of registered aquaculturists.

Grass Carp Stocking

Reproducing grass carp may not be stocked anywhere in the State. Nonreproducing (sterile) triploid grass carp may be stocked only in certain waters of San Bernardino, Riverside, and Imperial counties. The stocking of triploid grass carp is governed by special laws and regulations, and may be done only for control of nuisance aquatic vegetation under the provisions of a valid Special Triploid Grass Carp Stocking Permit. For information on triploid grass carp stocking, contact the Department's Chino Fisheries Base, 4775 Bird Farm Road, Chino Hills, CA, 91709, telephone (909) 393-0194.

Recreational Fish-Out Ponds

Recreational fish-out ponds, fee fishing lakes, farm ponds, or other privately owned or operated water impoundments where privately produced fish are purchased and stocked for fishing, fall into one of two categories:

1. Private Aquaculture Facilities registered pursuant to Division 12 of the Fish and Game Code.
 - a. Fishing at aquaculture facilities is exempt from California laws and regulations governing sport and commercial fishing. However, the fish taken from the facility must be killed and be accompanied by a sales receipt [CAC, Title 14, Sec. 238 (d)].
 - b. The operator of a registered aquaculture facility is not limited by law in what he may charge for the fish or the opportunity to fish.
2. Waters stocked under authority of the private stocking regulations (CAC, Title 14, Sec. 238.5).
 - a. Fishing at the facility is governed by the California sport fishing regulations, even though the operation may be on private property and stocked with privately produced aquaculture product. Exception: at facilities not operated for profit, private pond owners and their invitees may legally fish without sport fishing licenses.
 - b. The operator of a pond may charge a fee for access, or the opportunity to fish, but may not charge for the sale of fish.

Important Laws And Regulations Governing Private Stocking and Transportation of Live Aquatic Plants and Animals

The following sections of the Fish and Game Code provide that:

6400. It is unlawful to place, plant, or cause to be placed or planted, in any of the waters of this state, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the state, without first submitting it for inspection to, and securing the written permission of, the department.

6401. Any person may, under the terms of a permit first obtained from the department, under regulations the commission may prescribe, purchase or receive live fish from any registered aquaculturist, and may stock the fish in a stream or a lake.

15200. The commission may regulate the placing of aquatic plants and animals in waters of the state. Movement of live fish between two registered aquaculturists who are registered for those species does not require a permit.

15201. A permit is required to place fish on public or private land or water in any watershed above an established public or private fish hatchery. The department shall deny the permit if there is evidence that water quality and potential disease transfers will be adverse to the established hatchery.

15202. The commission may prohibit the placement of specific species of aquatic plants or animals in designated waters of the state. The prohibition may not include species that are found to be native or that are stocked by the state in a location where prohibition is contemplated.

The Fish and Game Commission regulations governing private stocking are as follows:

238. Sale and Transportation of Aquatic Plants and Animals.

Importation of live aquatic plants and animals is governed by Section 236 of these regulations. Except as provided for by Section 236, aquaculture products may be sold or transported in this state only in accordance with the following general terms and conditions:

(a) All aquaculture products sold or transported under the provisions of this section must have been legally reared or imported by an aquaculturist registered in this state.

(b) The following provisions apply to transactions of aquaculturists involving aquaculture products:

(1) A registered aquaculturist may sell and transport live aquaculture products authorized by that registration to any other aquaculturist authorized to possess the same species.

(2) All shipments of authorized aquaculture products shall be accompanied by a duplicate of a sales invoice or waybill showing the name of the producer, the producer's aquaculture registration number, date of shipment, the species being transported, the weight, volume or count of each species in the shipment, and the name and address of the consignee.

(3) Duplicates of the required sale or shipping documents shall be retained by the producer, and by the shipper, if different from the producer, for a period of one year from the date of sale. The records shall be shown upon written demand by the director of the department. The information contained in these documents is confidential except that such information may be disclosed in accordance with a proper judicial order in cases or actions instituted for enforcement of this section or for prosecution of violations of this section.

(c) A registered aquaculturist may sell and transport live those aquaculture products authorized by that registration to any of the following whose licenses or permits authorize the possession of the same live plants and animals for commercial purposes. Documents as described in Section 238(b)(2) shall accompany each shipment. Aquaculture products may not be stocked in any waters of the state, except as provided for in Section 238.5 of these regulations.

(1) Scientific or educational establishments;

(2) Aquarium Dealer Permittees (See Section 227 of these regulations);

(3) Live Freshwater Bait Fish Licensees (See Sections 200 through 200.31 of these regulations);

(4) To any other legal purchaser or possessor for whom possession is legal.

(d) The following provisions apply to the operator of any commercial establishment where aquaculture products are maintained alive for human consumption:

(1) Under no condition shall these aquaculture products be stocked in any waters of this

state.

(2) The operator may transport live aquaculture products between aquaculture facilities, retail sales stores, and/or wholesale distribution points. Documents as described in Section 238(b)(2) shall accompany each shipment.

(3) The operator shall retain copies of all sales invoices or waybills received with the products. Such invoices or waybills shall be retained by the operator for a period of at least one year following receipt of the aquaculture products listed thereon, and such invoices or waybills shall be produced upon request of an official of the department.

(4) All aquaculture products, except live shellfish, sold and leaving the premises of the dealer shall be killed and accompanied by a sales receipt showing the date of purchase and name of business where purchased or be packaged in accordance with Section 240 of these regulations.

(e) Marking and Tagging Requirements.

(1) Abalone.

(A) All abalone produced by an aquaculturist registered pursuant to Section 15101 of the Fish and Game Code may be possessed, harvested, sold and transported, provided the abalone are identifiable as being cultivated or are packaged in sealed containers as provided for in Section 240 of these regulations.

Such abalone are exempt from the size limits established by Section 8304 of the Fish and Game Code.

(B) Abalone which spend part of their life in marine waters of the state, other than while in an aquaculture facility, must have an identifying mark or tag approved by the department. Such identifying mark must be approved, or a tag attached, prior to the abalone being placed in waters outside the aquaculture facility. For purposes of this section, the term "aquaculture facility" includes a hatchery, rearing facility, pen, cage or any similar structure or device.

(C) Any person other than a registered aquaculturist processing cultured abalone at the wholesale level must possess a revocable processing permit for cultured abalone, as issued by the department.

(F) Retail Sales of Aquaculture Products. All aquaculture products sold at an aquaculture facility shall be dead at the time of sale except for:

(1) Aquaculture products sold under the provisions of Sections 238(c), 238(d)(2), or 238.5 of these regulations. Aquaculture products sold under provisions of Section 238.5 of these regulations may be transported live and stocked as provided for by Section 238.5 of these regulations by retail customers. Documents as described in Section 238(b)(2) shall accompany each shipment, and records as described in Section 238(b)(3) shall be maintained by the aquaculturist and the retail customer.

(2) Striped bass, hybrid striped bass, abalone, steelhead trout and sturgeon sold pursuant to the provisions of Section 240 of these regulations.

(3) Aquaculture produced shellfish purchased at retail and taken from the aquaculture facility by the purchaser need only be accompanied by a sales receipt showing the name and aquaculture registration number of the producer, the item(s) and quantity purchased and the date of purchase. All other shipments of aquaculture products shall be accompanied by a sales invoice or waybill as provided in Section 238(b)(2) of these regulations.

(4) Those freshwater bait fishes that would be legal for sale as live bait by a licensed Live Freshwater Bait Fish Dealer in the same sport fishing district or portion of sport fishing district in

which the aquaculture facility is located (see Sections 4.10 through 4.30 and Sections 200.13 through 200.3 1 for legal live bait fishes).

238.5 Stocking of Aquaculture Products.

No person shall stock aquaculture products in this state except in accordance with the following general terms and conditions:

(a) All aquaculture products stocked under these provisions must be legally reared or possessed by an aquaculturist registered in this state. No person shall stock aquaculture products which are parasitized, diseased or of an unauthorized species.

(b) Live aquaculture products shipped to Inyo or Mono counties must be certified by the department as disease and parasite-free before being stocked in waters in those counties.

(c) A registered aquaculturist producing or possessing rainbow trout (*Oncorhynchus mykiss*), largemouth bass (*Micropterus salmoides*), bluegill (*Lepomis macrochirus*), redear sunfish (*Lepomis microlophus*), Sacramento perch (*Archoplites interruptus*), channel catfish (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*) and white catfish (*Ictalurus catus*), may stock these species under the following terms and conditions.

Only publicly owned lakes covered by a cooperative agreement between the department and the lake operator and privately owned reservoirs, lakes and ponds in the following counties or portions thereof may be stocked without a stocking permit: Alameda, Butte, Colusa, Contra Costa, Glenn, Imperial, Kern, except in the Kern River drainage above Democrat Dam; Kings, Lake except in the Eel River drainage; Los Angeles, Merced, Napa, Orange, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Ventura, Yolo, Yuba; those portions of Amador, Calaveras, El Dorado, Mariposa, Nevada, Placer and Tuolumne west of Highway 49; Fresno west of the Sierra and Sequoia National Forest boundaries; Madera west of the Sierra National Forest boundary; and Tulare west of the Sequoia National Forest and Sequoia National Park boundaries.

(d) Except for those species listed in Section 238.5(c) when planted into those specific areas and waters covered in Section 238.5(c), no person shall stock aquatic plants and animals except as follows:

(1) Each stocking of fish shall require a Private Stocking Permit (FG 749) issued by the department. A copy of this permit shall accompany all shipments. However, a copy of the same permit (FG 749) may be used for additional consignments of the same species when stocked in the same water, or waters, until canceled by the department. See subsection 699(b) of these regulations for the fee for this permit.

(2) Application for the private stocking permit shall be made to the regional manager of the Fish and Game region in which the fish are to be stocked. An application will be supplied to each applicant upon request.

(3) No person shall stock any species of fish in any water in which the stocking of such fish is contrary to the fisheries management programs of the department for that water or drainage, or in any water from which such fish might escape to other waters where such fish are not already present. All applicants will be advised upon request of the said departmental fisheries management programs.

(4) Permittee shall notify the regional office of the department not less than 10 days in advance of stocking in order to make arrangements for inspection. Such inspection may be waived at the discretion of the department. If, upon inspection, diseased or parasitized fish or fish of unauthorized species are found by the department to be present, they shall be disposed of by the

permittee as directed by the department. The department may require that the expense of any inspection made necessary by the provisions of these regulations be borne by the permittee.

(5) A stocking permit may be canceled or suspended by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission.

(6) A stocking permit is valid only when signed by the applicant.

(e) A registered aquaculturist selling and transporting aquatic plants and animals for the purpose of stocking in this state shall retain copies of documents required by Section 15005(b) of the Fish and Game Code for a period of three years following stocking of the fish. The documents shall be shown upon written demand by the director of the department. The information contained in the documents is confidential except that such information may be disclosed in accordance with a proper judicial order in cases or actions instituted for enforcement of this section or for prosecution of violations of this section.

(f) Except for Inyo, Mono, San Bernardino, Riverside and Imperial counties, mosquitofish (*Gambusia affinis*) may be planted for purposes of mosquito control without obtaining a permit otherwise required by these regulations. In Inyo and Mono counties and in public waters of San Bernardino, Riverside and Imperial counties, mosquitofish may not be planted without the written concurrence of the department.