

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-adoption Statement of Reasons)

Amend Sections 1.62, 5.80, 27.60, 27.90,  
27.95, 195, and 701  
Add Sections 5.81 and 27.91  
Title 14, California Code of Regulations  
Re: Sturgeon Sport Fishery Regulations

- I. Date of Initial Statement of Reasons: July 24, 2006
- II. Date of Pre-adoption Statement of Reasons: October 23, 2006
- III. Date of Amended Pre-adoption Statement of Reasons: December 11, 2006
- IV. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: August 4, 2006  
Location: Sacramento, CA
  - (b) Discussion Hearing: Date: October 6, 2006  
Location: San Diego, CA
  - (c) Discussion Hearing: Date: November 3, 2006  
Location: Redding, CA
  - (d) Adoption Hearing: Date: December 8, 2006  
Location: Santa Monica, CA
- V. Description of Modification of Originally Proposed Language of Initial Statement of Purpose:

In sections 5.80 and 27.90, Title 14, California Code of Regulation (CCR), the proposed slot limit of 46 to 60 inches total length was modified to 46 to 66 inches total length.
- VI. Reasons for Modification of Originally Proposed Language of Initial Statement of Reasons:

The Commission at the December 8, 2006, meeting voted to approve the proposed regulations with the maximum size in the proposed slot limit increased to 66 inches total length. The slight increase in the maximum size will not result in any additional resource effect on the fishery.

VII. Summary of Primary Considerations Raised in Opposition and in Support:

The summary of considerations and responses are provided in the attachment titled: *Responses to Public Comments on Proposed Inland Freshwater Fishing Regulation Changes Received by the Fish and Game Commission Between August 5, 2006 and December 8, 2006.*

## Informative Digest/Policy Statement Overview

California's green sturgeon and white sturgeon support a popular sport fishery in the San Francisco Estuary and Sacramento-San Joaquin River System and a lesser fishery in the ocean. Green sturgeon and white sturgeon are prone to overfishing due to their life-histories and behavior. Their numbers are also subject to decline attributable to habitat loss and habitat degradation. White sturgeon (in particular) are subject to organized poaching and illegal commercialization of their highly-valuable eggs and flesh.

Current fishing regulations for these two sturgeon species provide a year-round fishery, a daily bag and possession limit of one fish, a size limit of 46 to 72 inches total length, and area and seasonal closures. These regulations do not differentiate between different life histories and population status, ignore the population-effects of varying production of young sturgeon, can not manage the boom-and-bust character of the fishery, and make it difficult to deter poaching and illegal commercialization.

The Department of Fish and Game (Department) is proposing regulations which will facilitate existing efforts to improve California's sturgeon populations and protect the sturgeon fishery by improved habitat, better fish passage, increased population and fishery monitoring, effective enforcement, and comprehensive coordination with the public.

The proposed regulations include **a size limit for white sturgeon of 46 to 66 inches total length**, no retention of green sturgeon, a daily bag limit of one white sturgeon, an annual bag limit three white sturgeon, no authorization of boat limits when sturgeon fishing in ocean waters, and an annual sturgeon report card with tags.

If the regulations proposed here are implemented and substantially enforced, the fundamental character of California's sturgeon fishery will be preserved while important additional fishery management, population management, and anti-poaching measures will be effected.

Section 1.62, Title 14, CCR: Section 1.62 addresses handling requirements for fish to be released due to size restrictions. However, Section 1.62 references only handling of fish that are less than the legal size.

The proposed amendment to Section 1.62 would extend the protections now afforded fish less than legal size to fish greater than legal size. Handling requirements afforded fish – particularly sturgeon – greater than legal size are basic conservation measures designed to minimize stress and mortality to captured fish that must be released.

Sections 5.80 and 27.90, Title 14, CCR: These sections limit retention of sturgeon for inland (Section 5.80) and ocean (Section 27.90) waters. The current sections do not differentiate between white sturgeon and green sturgeon.

The proposed amendment removes green sturgeon to their own section and includes measures to improve white sturgeon spawning potential, population resiliency, fishery data, and anti-poaching efforts:

- (1) **a white sturgeon size limit of 46 to 66 inches total length,**
- (2) a 3-fish-per-year white sturgeon bag limit,
- (3) specific requirements for a Sturgeon Fishing Report Card, and
- (4) a requirement to apply tags to retained white sturgeon.

The size limit would protect approximately 12 year-classes of sturgeon from harvest during a period when female sturgeon of this size and age have tremendous reproductive potential.

The 3-fish annual bag limit would allocate the sturgeon resource more-equitably and reduce the incentive for illegal commercialization of sturgeon.

The report card with tags would be necessary to enforce the annual bag limit and to collect much-needed information on catch of sturgeon by anglers. Because enforcement of the annual bag limit and collection of catch data are both very important, possession of the card and use of the tags would be required of children and other potentially non-licensed anglers (e.g., those participating fishing from piers). These potentially non-licensed anglers were recently estimated at about 16 % of all anglers in marine waters during 2004 and 2005.

#### Sturgeon Fishing Report Card Requirements

- (1) Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department
- (2) This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.
- (3) A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.
- (4) No person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.
- (5) Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.
- (6) If the angler holds a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.
- (7) Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained,

the total length of the fish must also be recorded on the report card immediately.

#### Sturgeon Tagging Requirements

- (1) A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.
- (2) After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.
- (3) The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

Sections 5.81 and 27.91, Title 14, CCR: This action would create sections specific to green sturgeon for inland (Section 5.81) and ocean (Section 27.91) waters, eliminate retention of green sturgeon, and complement the proposals to amend sections 5.80 and 27.90 so that it addresses only limits to white sturgeon retention.

Section 27.60, Title 14, CCR: This section limits retention of sturgeon in ocean waters. With regards to sturgeon, it is simply a table that reiterates information in Section 27.90.

The proposed amendment would make contents of the table consistent with Section 27.90 and no authorization of boat limits while sturgeon fishing in ocean waters to align with proposed Section 195 changes. Furthermore, the amendment would complement the proposed establishment of Section 27.91 on green sturgeon retention.

Section 27.95, Title 14, CCR: This section limits take of sturgeon in an area of San Francisco Bay between January 1 and March 15. The proposed amendment is a slight wording change that would complement the proposed changes to sections 27.90 and 27.91.

Section 195, Title 14, CCR: This section contains the regulations for boat limits in ocean waters. The proposed amendment has no authorization of boat limits while sturgeon fishing in ocean waters to ensure accurate data is collected from the report cards.

Section 701, Title 14, CCR: This section contains regulatory form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699, Title 14, CCR.

The proposed amendment provides the annual fee updates for the Declaration for Multi-Day Fishing Trip, Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual and 30 days or less) forms, adds 2007 Salmon Punch Card and 2007 Steelhead Fishing Report and Restoration Card form numbers and fees to this section, reflects the required changes made to sections 5.80 and 27.90 for the Sturgeon Fishing Report Card.

The Sturgeon Fishing Report Card fee will range from \$0 to \$7.50, which are the minimum and maximum permit prices that the Department can charge without legislation. The final fee will be determined from report card printing and administration costs, final funding source, the projected anglers and a 5% license agent handling fee calculated pursuant to Fish and Game Code 1055(b).

Minor changes were made to improve the clarity of the regulations.

**In response to public testimony during the sport fishing discussion hearings, and after receiving testimony from Department of Fish and Game biologists that there would be no adverse affect on the fishery, the Commission, at the December 8, 2006 meeting, voted to approve the proposed regulations with only one exception, to increase the maximum size in the proposed slot limit from 60 inches to 66 inches total length. This slight increase in the maximum size will not result in any additional adverse effect on the fishery and will respond favorably to the public recommendations received during the review process.**