

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by sections 200, 202, 205, 220 and 315 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206 and 220 of said Code, proposes to amend sections 2.25, 2.30, 5.75, 5.86, 5.93 5.95, 6.37, 7.50, 8.00 and,670.5, Title 14, California Code of Regulations, regarding Sport Fishing Regulations Cleanup.

Informative Digest/Policy Statement Overview

The Department has determined that the existing Title 14, California Code of Regulations (CCR), contains typographic errors, errors due to incorrect or missing Title 14 updates, incorrect cross-section references, and other problems that can increase to public confusion of the regulation's intent and regulation complexity. While these problems are minor when viewed individually, they must be corrected before further Department efforts can be undertaken to reduce the complexity and increase the public understanding and enforceability of Title 14, CCR, regulations.

The Department is proposing the following clean-up revisions to the sport fishing general and district regulations, Title 14, CCR:

1. Section 2.25 – remove subsection (d) that refers to Section 2.04 which was repealed in 2002 and revision of the FGC references.
2. Sections 2.25 and 2.30 - change common name of *Ptychocheilus grandis* to reflect American Fisheries Society's change from Sacramento squawfish to Sacramento pikeminnow.
3. Section 5.75 – move limit before minimum size for standardization, move the Lake Elsinore bag limit and minimum size into its own subsection, and clarify the definition for striped bass hybrids.
4. Section 5.86 – correct typographic error of the Yurok Tribe's name in the title.
5. Sections 5.93 and 670.5 - change common name of *Ptychocheilus lucius* to reflect American Fisheries Society's change from Colorado squawfish to Colorado pikeminnow.
6. Section 5.95 – remove first sentence: "See Chapter 5 for reptiles and amphibians" as the regulations for reptiles and amphibians now are in sections 5.05 and 5.60, respectively, and revision of the FGC references.
7. Section 6.37 – correct typographic error of Lake Cahuilla's name in the last sentence.
8. Section 8.00 – remove subsection (c) which was repealed and moved to subsection (d) with different criteria by the Commission in 2003, but not updated in Title 14, CCR.

The Department is proposing the following clean-up revisions to the sport fishing subsection 7.50(b) special regulations, Title 14, CCR:

1. Amend (3) (*Alder Creek*) - update reference to 8.00(b) to correct previous error.
2. Amend (8) (*Aptos Creek*) - add 8.00(c) reference to correct previous error.
3. Amend (10) (*Arroyo Grande Creek*) - move "5, but only 2 salmon" from title line to bag limit to replace "5". The change was in adopted in 1995 and misaligned during 2002 update of Title 14, CCR.
4. Amend (12) (*Arroyo Seco River*) - add 8.00(c) reference to correct previous error and minor clarity changes to subsections (A) and (B).
5. Amend (13) (*Balm of Gilead Creek*) - standardize reference to read "See Eel River 7.50(b)(63)".
6. Amend (14) (*Battle Creek*) - remove obsolete Section 8.00(a) reference in subsection (A).
7. Amend (15) (*Bear Creek*) – revise Ponderosa Way to read Pondosa Way. Typographic error to Title 14, CCR, from initial adoption in 1989.
8. Amend (22) (*Big River*) - update reference to 8.00(b) to correct previous error and realign closing date.
9. Amend (23) (*Big Sur*) - add 8.00(c) reference to correct previous error, update river name for standardization, and realign closing date.

10. Amend (26) (*Bogus Creek*) - standardize reference to read "See Klamath River 7.50(b)(91.1)".
11. Amend (35) (*Calveras River...*) - add San Joaquin County to description for enforcement clarity.
12. Amend (37) (*Carmel River...*) - update 8.00(c) reference to correct previous error and add "Monterey Co." to title for standardization.
13. Amend (39) (*Cassel Forebay*) - replace season and bag limit with reference "See Hat Creek #1 7.50(b)(75)" to eliminate duplication and reduce future updating issues.
14. Amend (45) (*Corralitos Creek*) - add 8.00(c) reference to correct previous error.
15. Amend (47) (*Cottonveva Creek*) - update reference to 8.00(b) to correct previous error.
16. Amend (48) (*Cottonwood Creek* - missing subsection (1) after "Cottonwood Creek and (1) tributaries. . . , and correct typographic errors. Title 14, CCR, printing error.
17. Amend (50.8) (*Coyote Creek*) - add 8.00(c) reference to correct previous error and remove redundant bag limits.
18. Amend (54.5) (*Deadman Creek*) - add winter season from subsection 7.50(b)(134)(A). Error from 2006 triennial sport fishing process.
19. Amend (62) (*Eastman Lake*) - shorten and move Section 5.00 reference into season column.
20. Amend (63) (*Eel River*) - update reference to 8.00(a) to correct previous error and remove "Regulations" from title for standardization.
21. Amend (64) (*El Estero Lake*) - regulations should read "...portions of the lake south of the Pearl Street bridge..." for both arms since lake runs north and south and Pearl Street bridge extends across entire lake.
22. Repeal (68.5) (*Frenchman Lake*) - repealed in 1996, but reappeared during 2002 update of Title 14, CCR.
23. Amend (70) (*Garcia River*) - update reference to 8.00(b) to correct previous error.
24. Amend (72) (*Greenwood Creek*) - update reference to 8.00(b) to correct previous error.
25. Amend (73) (*Gualala River*) - update reference to 8.00(b) to correct previous error.
26. Amend (76) (*Heenan Lake...*) - remove "Closed to all fishing all year." in title line. This error appeared during 2002 update of Title 14, CCR.
27. Amend (87) (*Kings River*) - remove duplicate "All year" and "2" in title line. This error appeared during 2002 update of Title 14, CCR.
28. Amend (96) (*Lagunitas Lake*) - size limit was changed to 14 inches maximum in 1992 and subsequently lost from Title 14, CCR.
29. Amend (101) (*Little Cottonwood Creek...*) - remove (See No. 48) in title and replace season and bag limit with "See Cottonwood Creek 7.50(b)(48)" to correct season difference, eliminate duplication and reduce future updating issues.
30. Amend (104) (*Llagas Creek*) - add 8.00(c) reference to correct previous error.
31. Amend (107) (*Mad River...*) - update reference to 8.00(a) to correct previous error and correct minor typographic errors.
32. Add (109) (*Mammoth Pool*) - subsection lost during 2002 update of Title 14, CCR.
33. Amend (113) (*Mattole River*) - update reference to 8.00(a) to correct previous error and move to title line.
34. Amend (118.2) (*Milk Ranch Creek...*) - move season information "Closed to all fishing all year" to the Open Season column. The 1994 adopted T14 language was structured wrong.
35. Amend (120) (*Milton Lake....*) - Correct minor typographical errors.
36. Amend (125.5) (*Moosehead Creek*) - standardize reference to read "See McCloud River 7.50(b)(115).".
37. Amend (133) (*Noyo River...*) - update reference to 8.00(b) to correct previous error.
38. Amend (134) (*Owens River...*) - add reference to subsection (E) in title, revise regulations to show Owens River terminates at Big Springs, and add reference to Deadman Creek upstream to Big Springs.
39. Amend (135) (*Pajaro River*) - add 8.00(c) reference to correct previous error.
40. Amend (135.8) (*Upper Pentinecia Creek*) - add 8.00(c) reference to correct previous error.
41. Amend (136) (*Pescadero Creek*) - add 8.00(c) reference to correct previous error.
42. Amend (138) (*Pillsbury Lake....*) - open season should be Last Sat, in April to Nov. 15 with 5 fish bag limit. This is a Title 14, CCR, update error from 1990.

43. Amend (139) (*Pine Creek...*) - standardize reference to read "See Eagle Lake 7.50(b)(61).", and add subsections (A) and (B) to clarify regulations.
44. Amend (141) (*Pit River*) - minimum size in subsection (A) should be 18 inches not 8 inches. This error happened during 2002 update of Title 14, CCR.
45. Amend (150) (*Redwood Creek ...*) - update reference to 8.00(a) to correct previous error and correct subsection (B) as Prairie Creek is first stream above the mouth.
46. Amend (154) (*Russian Gulch*) - update reference to 8.00(b) to correct previous error.
47. Amend (155) (*Russian River*) - update reference to 8.00(b) to correct previous error and revise subsection (B) reference to read "See Laguna de Santa Rosa 7.50(b)(93) and Santa Rosa Creek 7.50(b)(172) for non-salmonids only".
48. Amend (156) (*Sacramento River*) - standardize subsection (B) reference to read "See Soda Creek 7.50(b)(180.5).", standardize subsection (D) to clarify that Castle Creek is exempt from these regulations and revise reference to read "See Castle Creek 7.50(b)(39.3).".
49. Amend (158) (*Salinas River*) - add 8.00(c) reference to correct previous error and revised subsection (B) regulations' last line to end with "...Nacimiento River.) See 7.50(b)(128).".
50. Amend (159) (*Salmon Creek*) - update reference to 8.00(b) to correct previous error.
51. Amend (161) (*Salmon River*) - standardize reference to read "See Klamath River 7.50(b)(91.1)." .
52. Repeal (165.5) (*Sand Bar Forebay*) - original reference in subsection 7.50(b)(187)(C) was removed by Commission in 2003 since the forebay does not connect to the Stanislaus River.
53. Amend (169) (*San Lorenzo River*) - add 8.00(c) reference to correct previous error.
54. Amend (172.5) (*Santa Ynez...*) – correct typographic error of Gibraltar to read Gibraltar.
55. Amend (174) (*Scott River*) - standardize reference to read "See Klamath River 7.50(b)(91.1)." .
56. Amend (176) (*Shasta River*) - standardize reference to read "See Klamath River 7.50(b)(91.1)." .
57. Amend (176.5) (*Sheepheaven Creek*) - standardize reference to read " See McCloud River 7.50(b)(115)." .
58. Amend (177) (*Shovel Creek*) - standardize reference to read "See Klamath River 7.50(b)(91)." .
59. Amend (178) (*Silver King Creek*) - revise title for clarity to read "Silver King Creek and tributaries including lakes (Alpine Co.) above Tamarack Lake Creek (within section 7 T7N R22E)".
60. Amend (178.5) - title should read Sisquoc River not Sisquoc Creek. Typographic error from 1996 adoption.
61. Amend (182) (*Sonoma Lake...*) - missing season and bag limit. Season is "Last Saturday in April through Nov. 15.", and bag limit is "5". This is a Title 14, CCR, update error from 1990.
62. Amend (183) (*Soquel Creek*) - add 8.00(c) reference to correct previous error.
63. Amend (184) (*Soulajoule Lake*) - bag limit should be "5". This is a Title 14 update error from 1990.
64. Amend (185) (*Squaw Valley Creek*) - bag limit should be "2" not "5". This is a Title 14 update error from 1990.
65. Amend (189) (*Stony Creek*) - remove reference in subsection (A) that refers to subsection (B). This reference is within the same subsection.
66. Amend (193) (*Ten Mile River*) - update reference to 8.00(b) to correct previous error.
67. Amend (194.5) – Correct typographic error as it should read Trabuco not Trabucco.
68. Amend (196) (*Truckee River*) - missing subsection (C) bag limit which should be 2. Title 14 update error from the 2006 triennial sport fishing process..
69. Amend (197) (*Tule River*) - move "All year" and "2" from title to opposite subsection (A). This error appeared during 2002 update of Title 14, CCR.
70. Amend (198) (*Tuolumne River*) – correct name for Hetch Hetchy Reservoir in title, remove redundant subsection (D) bag limits, revised Subsection (E) bag limit should be "1 salmon" as adopted by the Commission in 1999.
71. Amend (200) (*Usal Creek*) - update reference to 8.00(b) to correct previous error.
72. Amend (201) (*Uvas or Carnadero Creek*) - add 8.00(c) reference to correct previous error.
73. Amend (202) (*Van Duzen River*) - standardize reference to read "See Eel River 7.50(b)(63)(B) and Section 8.00(a)." .
74. Amend (204) (*Walker Creek (Marin Co.)*) - remove bag limit as area is closed to fishing. This is a Title 14, CCR, update error from 1990.
75. Add (208.5) (*Wolf Creek (Mono Co.)*) - subsection lost during 2002 update of Title 14, CCR.

76. Amend (210) (*Yuba River, Middle Fork*) - standardize reference to read "See Milton Lake 7.50(b)(120)." .
77. Amend (212) (*Yuba River...*) - remove obsolete dates that references 2002 and text stating in subsequent years in subsection (A).

Additional minor changes were made to the regulations for clarity.



NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Crown Plaza Cedar Room, 45 John Glenn Drive, Concord, California, on Friday, October 12, 2007 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the State Resources Auditorium, First Floor, 1416 Ninth Street, Sacramento, California, on Tuesday, November 2, 2007, at 8:30 p.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 24, 2007 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov.

Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 1, 2007. All comments must be received no later than November 2, 2007, at the teleconference hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Jon Snellstrom at the preceding address or phone number. **Scott Barrow, Department of Fish and Game, phone (916) 445-7600 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: August 28, 2006

John Carlson, Jr.
Executive Director