



On July 18, 2006, the City of Oakland passed a resolution to seek a permanent restriction on sport fishing in all of Oakland's freshwater creeks, streams, and waterways. The City of Oakland made a written request to have its 2006 resolution discussed at the October Commission meeting in a letter dated July 18, 2007. The City of Oakland's request was discussed at the October 11, 2007 meeting in Concord where there was significant public support for the City of Oakland's request with most of the comments and observations focused on Sausal Creek and its tributaries.

The Department supports the strong interest on the local salmonid populations and the ongoing restoration efforts. Without further information, the Department supports only the fishing closure on Sausal Creek and its tributaries. At the Concord meeting, the Commission authorized its staff to publish notice of its intent to adopt regulations to close Sausal Creek and its tributaries to all sport fishing for adoption at the December 17, 2007 meeting (teleconference) in Sacramento.

The proposed regulatory action would amend subsection (b)(172.7) of Section 7.50, Title 14, California Code of Regulations (CCR), from current regulations which allow fishing from the last Saturday in April through November 15 using artificial lures and barbless hooks and a zero bag limit to a complete fishing closure all year.

(b) Authority and Reference:

Authority: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code.

Reference: Sections 200, 202, 205, 206, 215 and 316.5, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

A Commission meeting was held on October 11, 2007 prior to the notice publication to gather public input. The public comment period provides

adequate time for review of the proposed amendment.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The no change alternative would continue exposing the native fish populations to the adverse effects of sport fishing in an urban drainage with limited seasonal water flow.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. 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 action is 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.

## Informative Digest (Policy Statement Overview)

During the 2003 Commission triennial review of sport fishing, there was significant public interest to close Sausal Creek and its tributaries located within the City of Oakland, Alameda County, to all sport fishing. At that time, the Department of Fish and Game (Department) did not support a total closure and proposed an alternative to allow catch and release fishing using artificial lures with barbless hooks on trout, salmon, and steelhead while allowing continued harvest of warm water fish which prey on juvenile salmonids. The Commission adopted the Department's alternative regulations for Sausal Creek and its tributaries on December 16, 2003.

Since 2003, the local government, various watershed groups and interested parties have continued to actively pursue restoration efforts and funding for Sausal Creek and its tributaries to offset the degradation due to urbanization, unnatural flows, sediments, and contaminants. Despite the strong local restoration effort, the local salmonid population continues to remain at the low numbers first observed in 1998.

On July 18, 2006, the City of Oakland passed a resolution to seek a permanent restriction on sport fishing in all of Oakland's freshwater creeks, streams, and waterways. The City of Oakland made a written request to have its 2006 resolution discussed at the October Commission meeting in a letter dated July 18, 2007. The City of Oakland's request was discussed at the October 11, 2007 meeting in Concord where there was significant public support for the City of Oakland's request with most of the comments and observations focused on Sausal Creek and its tributaries.

The Department supports the strong interest on the local salmonid populations and the ongoing restoration efforts. Without further information, the Department supports only the fishing closure on Sausal Creek and its tributaries.

The proposed regulatory action would amend subsection (b)(172.7) of Section 7.50, Title 14, California Code of Regulations (CCR), from current regulations which allow fishing from the last Saturday in April through November 15 using artificial lures and barbless hooks and a zero bag limit to a complete fishing closure all year.