

Regulatory Language

Section 1.74, Title 14, CCR, is amended to read:

§1.74. Sport Fishing Report Card and Tagging Requirements.

(a) Purpose. These regulations address potential concern for overfishing and a lack of recreational fishing effort and catch information in some or all areas where the fishery operates. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

(b) Species and Location Requirements. Individuals fishing for or taking the following species are subject to report card requirements in the following locations described below:

(1) Salmon, in the Klamath-Trinity River System and Smith River only. The Klamath-Trinity River System ~~is and Smith River are~~ defined as the anadromous waters of the ~~Klamath River and Trinity River~~ Klamath, Trinity, and Smith river basins. Anadromous waters are defined in Section 1.04.

(2) Steelhead trout, in all anadromous waters where take is authorized.

(3) White sturgeon, in all areas where take is authorized. Tagging of retained individual sturgeon is also required.

(4) Red abalone, in all areas where take is authorized. Tagging of retained individual abalone is also required

(5) California spiny lobster, in all areas where take is authorized.

(c) General Report Card Requirements.

(1) Any person fishing for or taking any of the species identified in this Section shall have in their possession a non-transferable report card issued by the department for the particular species. See special exemption regarding possession of report cards for lobster divers in Section 29.91.

(2) Notwithstanding other statutes and regulations that may exempt sport fishing license requirements, non-transferable report cards are required for any person fishing for or taking the species identified above. All cardholders shall adhere to all reporting and tagging requirements defined in this Section and Sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 regardless of whether a sport fishing license requirement applies. This provision applies to all of the following persons:

(A) Any person who is under 16 years of age

(B) Any person who is fishing from a public pier

(C) Any person who is fishing on free fishing days

(D) Any person who holds a lifetime fishing license

(3) Persons described in subsections 1.74(c)(2) may purchase report cards without purchasing a license.

(4) All entries made on any report card or tag must be legible and in indelible ink.

(5) Entries Required at the Time of Report Card Issuance. At the time of issuance of the report card, the cardholder is responsible for entry of the following information, unless

both the report card and the sport fishing license are issued through the Automated License Data System:

(A) The date the report card is issued, the individual's name, street address, city, state, zip code, home phone, and date of birth shall be entered in the appropriate spaces on the report card. If the cardholder has a driver's license, or DMV identification number, this information shall also be entered in the appropriate spaces. If the cardholder has an e-mail address, it may be entered in the space provided.

(B) Acquisition of Sturgeon Fishing Report Cards and Abalone Report Cards - If the cardholder is required to have a sport fishing license, the report card number shall be entered in the designated space provided on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.

(C) Acquisition of ~~Klamath-Trinity~~ North Coast Salmon Report Cards, Steelhead Report and Restoration Cards and Spiny Lobster Report Cards - If the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered in the blank area on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.

(D) If the cardholder wishes to purchase another fishing license after their one, two, or ten-day sport fishing license has expired the cardholder need not purchase a second report card for any species, so long as the cardholder still possesses the report card valid for the calendar year. At the time of purchase of the subsequent license, the additional sport fishing license number shall be entered in the appropriate space on the report card. If there is a space provided for the particular card on the sport fishing license, the number shall be entered in the appropriate space at the time of purchase. If there is no space provided for the card, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license.

(6) A report card shall be valid only during the open fishing season for the calendar year shown on the report card.

(7) Cardholders shall return their card by January 31 of the following year to the department at the address specified on the card.

(8) Any person who fails to return his or her report card to the Department by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

(9) For abalone and sturgeon report cards, only one report card may be issued per person per license year.

(10) Report cards may not be transferred to another person and no person may possess any report card other than their own.

(d) Replacement Procedures for Lost Abalone or Sturgeon Report Cards. For species for which an individual may purchase only one report card per year (i.e., abalone and sturgeon), if the cardholder loses the card, a replacement card shall be acquired only by following the procedures below:

(1) The individual shall provide all of the following to a ~~Department license office~~ location department license sales office:

(A) A photocopy of the original report card issued in the cardholder's name, unless the report card was issued through the Automated License Data System.

(B) An affidavit, signed under penalty of perjury, containing the following information:

1. A statement confirming that the originally issued report card cannot be recovered.
2. A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost, including the number of tags utilized.

3. A statement describing the factual circumstances surrounding the loss of the card.

(C) Proof of purchase of the original report card, in the form of an itemized receipt, credit card billing statement, invoice, or other written business record expressly documenting that a report card for the particular species was purchased and the corresponding fee was paid. The cardholder is exempt from this requirement if the report card was issued through the Automated License Data System.

(D) Payment of the Replacement Card Fee specified in Section 701(f), 701(g) or 701(h) Title 14, CCR, established pursuant to subdivision 1053(b) of the Fish and Game Code, and as adjusted pursuant to Sections 713 and 1055 of the Fish and Game Code.

(E) Payment of the Replacement Processing Fee specified in Section 701(i) or 701(j), Title 14, CCR, established pursuant to subdivision 1050(e) of the Fish and Game Code.

(2) Based on the information provided in the written affidavit, the department shall issue only the number of tags that were reported unused on the previously issued report card.

(3) At the time the replacement card is acquired, if the cardholder is required to have a sport fishing license, the number of the replacement card shall be entered in the appropriate space on the sport fishing license and the fishing license number shall be entered in the space provided on the report card.

(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

(e) Replacement Procedures for Salmon, Steelhead, or Lobster Report Cards.

(1) Any cardholder who fills in all available lines on his or her steelhead, salmon or lobster report card shall return the card to the department at the address specified on the card prior to purchasing a second card.

(2) Any cardholder who loses his or her steelhead, salmon or lobster report card may purchase a second card, but at or before the time of purchase shall provide a written affidavit to the department at the address on the report card documenting the lost catch and effort data required by the card to the best of the cardholder's recollection.

(3) At the time the additional card is acquired, if the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license, and the fishing license number shall be entered in the space provided on the report card.

(4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

(f) Specific Report Card and Tagging Requirements. Data recording and tagging procedures vary between report cards and species. See specific regulations in Sections

5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 that apply in addition to the regulations of this Section.

NOTE:

Authority cited: Sections 200, 202, 205, 240, 1050, 1053, 1055, 1055.1 and 7380, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 240, 713, 1050, 1053, 1055, 1055.1, 7149.8, 7380, 7381 and 7382, Fish and Game Code.

Section 5.87, Title 14, CCR, is amended to read:

§5.87. ~~Klamath-Trinity~~ North Coast Salmon Report Card Requirement (FG 684, See Section 701).

(a) Report Card Required in Waters of the Klamath-Trinity River System and the Smith River. All anglers must have a ~~Klamath-Trinity~~ North Coast Salmon Report Card in their possession while fishing for or taking salmon in waters of the Klamath-Trinity River System and the Smith River, and must complete and return the card pursuant to regulations in this Section and in Section 1.74.

(b) Prior to beginning fishing activity, the cardholder shall record the month, day, and fishing location on the first available line on the report card.

(c) For the Klamath-Trinity River System: Whenever the cardholder lands (either retains or releases) a Chinook salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin present. Whenever the cardholder releases a Coho salmon, the angler shall immediately record whether the maxillary is present or absent.

(d) For the Smith River: Whenever the cardholder lands (either retains or releases) a Chinook salmon, the angler shall immediately record whether the fish was an adult or a jack, and whether the fish has an adipose fin or left ventral fin present.

~~(d)~~ (e) Whenever the cardholder moves to another fishing location, the angler shall record the month, day, and location on the next line on the report card.

~~(e)~~ (f) In the Klamath-Trinity River System and Smith River, a jack Chinook salmon is defined as any Chinook salmon that is less than 22 inches total length.

(f) (g) In the event an angler fills in all lines and returns a ~~Klamath-Trinity~~ North Coast Salmon Report Card, an additional card may be purchased. See Section 1.74.

~~(g)~~ (h) The annual fee for the ~~Klamath-Trinity~~ North Coast Salmon Report Card is specified in Section 701, Title 14, CCR.

NOTE:

Authority cited: Sections 200, 202 and 205, Fish and Game Code. Reference: Sections 200, 202 and 205, Fish and Game Code.

~~Subsection 7.50(b)(180), Title 14, CCR, is amended to read:~~

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
(180) Smith River Drainage Also see Section 8.00(a). Note: for tributaries not listed in (A) through (D) below, see subsection (a)(4) of Section 7.00, (General Regulations for the North Coast District).		

<p>(A) Main stem from the mouth to confluence of Middle and South forks.</p>	<p>Fourth Saturday in May through Apr. 30. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Apr. 30.</p>	<p>1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** No more than a total of 5 wild trout or steelhead** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon</p>
<p>(B) Middle Fork Smith River</p>		
<p>1. from mouth to Patrick Creek</p>	<p>Fourth Saturday in May through Apr. 30. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Mar. 31.</p>	<p>1 wild trout or steelhead over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** No more than a total of 5 wild trout or steelhead** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon</p>
<p>2. above the mouth of Patrick Creek</p>	<p>Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.</p>	<p>2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.</p>
<p>(C) South Fork Smith River</p>		
<p>1. from the mouth upstream approximately 1,000 feet to the County Road (George Tryon) bridge and Craigs Creek to Jones Creek.</p>	<p>Fourth Saturday in May through Mar. 31. Only artificial lures</p>	<p>1 wild trout or steelhead over 16 inches total</p>

	<p>with barbless hooks may be used from the fourth Saturday in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Mar. 31.</p>	<p>length, or 1 hatchery trout or 1 hatchery steelhead** No more than a total of 5 wild trout or steelhead** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon</p>
<p>2. from the George Tryon bridge upstream to the mouth of Craigs Creek.</p>	<p>Closed to fishing all year.</p>	
<p>3. above the mouth of Jones Creek.</p>	<p>Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.</p>	<p>2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids may be taken.</p>
<p>(D) North Fork Smith River</p>		
<p>1. from the mouth to Stony Creek</p>	<p>Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Aug. 31. Only barbless hooks may be used from Sep. 1 through Mar. 31.</p>	<p>1 wild trout or steelhead** over 16 inches total length, or 1 hatchery trout or 1 hatchery steelhead** No more than a total of 5 wild trout or steelhead** over 16 inches total length may be kept from the Smith River per year. 2 cutthroat trout minimum size limit: 10 inches total length 1 king salmon</p>
<p>2. above the mouth of Stony Creek</p>	<p>Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.</p>	<p>2 cutthroat trout minimum size limit: 10 inches total length. No other salmonids</p>

		may be taken.
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~~** Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip.~~

NOTE:

~~Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code. Reference: Sections 200, 205, 206, 215 and 316.5, Fish and Game Code.~~

Subsection 8.00(a), Title 14, CCR, is amended to read:

§8.00. Low-Flow Restrictions.

(a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions. From September 1 for the Mad River only and October 1 for all other streams through January 31, any of the stream reaches listed in subsection (1) through (7) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7); any of the stream reaches listed in subsections (1) through (7) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at any of the designated gauging stations is less than the minimum flows set forth in subsections (1) through (7). Notwithstanding this provision, the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in subsections (a)(1)-(7) of Section 8.00 before or on the next flow-determination date. In addition, the department may reopen a stream at any time during a closed period if the minimum flow as specified in subsections (a)(1)-(7) of Section 8.00 is exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination. The department shall make information available to the public by a telephone recorded message updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

(1) The main stem Eel River from the paved junction of Fulmor Road with the Eel River to the South Fork Eel River.

Minimum Flow: 350 cfs at the gauging station near Scotia.

(2) The South Fork of the Eel River downstream from Rattlesnake Creek and the Middle Fork Eel River downstream from the ~~Black Butte River~~ Bar Creek.

Minimum Flow: 340 cfs at the gauging station at Miranda.

(3) Van Duzen River: The main stem Van Duzen River from its junction with the Eel River to the Highway 36 bridge near Bridgeville.

Minimum Flow: 150 cfs at the gauging station near Grizzly Creek Redwoods State Park.

(4) Mad River: The main stem Mad River from the Hammond Trail Railroad Trestle to Cowan Creek.

Minimum Flow: 200 cfs at the gauging station at the Highway 299 bridge.

(5) Mattole River: The main stem of the Mattole River from the mouth to Honeydew Creek.

Minimum Flow: 320 cfs at the gauging station at Petrolia.

(6) Redwood Creek: The main stem of Redwood Creek from the mouth to its confluence with Bond Creek.

Minimum Flow: 300 cfs at the gauging station near the Highway 101 bridge.

(7) Smith River: The main stem Smith River from the mouth of Rowdy Creek, to its confluence with Patrick Creek; the South Fork Smith River from the mouth upstream approximately 1000 feet to the County Road (George Tyron) bridge and Craigs Creek to its confluence with Jones Creek; and the North Fork Smith River from the mouth to its confluence with Stony Creek.

Minimum Flow: 400 cfs at the Jedediah Smith Redwoods State Park gauging station.

The number to call for information is (707) ~~442-4502~~ 822-3164.

NOTE:

Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 206 and 220, Fish and Game Code.

Subsection 701(b), Title 14, CCR, is amended to read:

(b) ~~2009 Klamath-Trinity~~2010 North Coast Salmon Report Card (FG 684 (rev. ~~09/08~~09/09)), incorporated by reference herein \$5.50

~~**Section 701(c), Title 14, CCR, is amended to read:**~~

~~(c) 2009 ~~2010~~ Sturgeon Fishing Report Card (FG 683 (rev. ~~09/08~~ 09/09)), incorporated by reference herein ~~\$0.00~~~~

NOTE:

Authority cited: Sections 200, 202, 205, 220, 713, 1050, 1053, 7149.8 and 7380, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 220, 713, 1050, 1053, 1055, 7149.8 and 7380, Fish and Game Code.