

Fly Anglers, and the Center for Biological Diversity have also indicated support for this action.

Further investigation by the Department and East Bay Regional Park District staff indicate that these ponds are a fairly popular bass and catfish fishing location and are important recreational fishing access within the greater Shadow Cliffs Recreational Area. At this time, no steelhead or trout are found in these ponds.

The Department believes allowing catch and release fishing in this location is highly unlikely to impact any salmonids.

Existing Regulations

Subsection 7.50(b)(1.5) has a year round closure for all species for Alameda Creek and tributaries downstream of San Antonio, Calaveras and Del Valle reservoirs. The Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs are open to catch-and-release fishing for trout from the last Saturday in April through November 15 and only artificial lures with barbless hooks may be used.

Proposed Changes

The Department proposes opening up the portion of the Arroyo Del Valle adjacent the Shadow Cliffs Regional Recreation Area to catch and release fishing with artificial lures with barbless hooks only.

Subsection 7.50(b)(1.5) will still have a year round closure for all species for Alameda Creek and tributaries downstream of San Antonio, Calaveras and Del Valle reservoirs with the following exception:

- 1) Arroyo Del Valle between Bernal Avenue and the Thiessen Street intersection with Vineyard Avenue will remain open all year to catch and release fishing to allow access to the non-salmonids species.
 - a. The original proposal had a lower boundary at Bernal Avenue that was kept because it delineates the downstream end of the reach characterized by relatively slow-moving, deep water which is unsuitable for salmonids
 - b. The new proposed upper limit is depicted by a line drawn across the Arroyo Del Valle from the intersection of Thiessen Street and Vineyard Avenue. The habitat upstream of this boundary consists of higher velocity water which is less suitable for bass, and the current land lessee of the off-channel ponds in this area does not want trespassing.

There are no proposed changes for the Alameda Creek tributaries upstream of San Antonio, Calaveras, and Del Valle reservoirs.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: 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.

- (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:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

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 leave existing regulations in place with reduced fishing opportunities and possible enforcement issues.

- (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 is necessary.

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 changes will offer more fishing opportunities with no 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) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

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

None.

- (h) Effect on Housing Costs:

None.

Informative Digest (Policy Statement Overview)

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During the Commission's February 2010 meeting's public forum, an angler requested the Commission allow catch and release fishing for bass and catfish in the ponds in the Arroyo Del Valle adjacent to East Bay Regional Parks District's Shadow Cliffs Recreational Area in Pleasanton. These ponds were closed all year to all fishing effective March 1, 2010 to increase protection for the anadromous steelhead in the lower Alameda Creek watershed. The ponds are separated from the main creek channel by a gravel bar covered with dense bulrush and cattails. The Arroyo Del Valle stream flow could mix with these ponds during high flood events.

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