

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend subsections (b)(5), (b)(68), and (b)(156) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

I. Date of Initial Statement of Reasons: December 21, 2009

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: February 4, 2010
Location: Sacramento, CA |
| (b) | Discussion Hearing: | Date: March 4, 2010
Location: Upland, CA |
| (c) | Discussion Hearing: | Date: April 8, 2010
Location: Monterey, CA |
| (d) | Adoption Hearing: | Date: April 21, 2010
Location: Teleconference |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 11, 2010 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 15, 2010 meeting. The PFMC coordinates Pacific coast management of the sport and commercial salmon fisheries of Washington, Oregon, California, and Idaho aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan.

Although there are no PFMC regulatory options to review at this time, there exists a strong possibility closure of ocean waters off California. This closure will result in PFMC recommendations for sport salmon fishery

closure in inland waters due to low 2009 Sacramento River Fall Chinook salmon returns to the Central Valley river system.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2009 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2010 Ocean Salmon Fisheries*, are available in late February 2010.

Present Regulations

The current regulations allow for no salmon fishing for Chinook salmon in all anadromous Central Valley rivers and streams except for a one salmon bag limit in the Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 16 through December 31.

Proposed Regulations

For public notice purposes and to facilitate Commission discussion, the Department is proposing the following three options for the 2010 regulations:

Option 1 - No change option, to keep present regulations in place

Option 2 - No salmon fishing in all anadromous Central Valley rivers and streams

This option proposes to close all anadromous areas of the Central Valley to salmon sport fishing with the following changes:

- 1) In subsection 7.50(b)(156)(J), replace the one salmon bag limit in Sacramento River from Red Bluff Diversion Dam to Knights Landing from November 1 through December 31 with language that states "Closed to salmon fishing" and "No take or possession of salmon".

This option would increase protection for all Central Valley Chinook stocks in all anadromous Central Valley rivers and streams.

Option 3 – Limited salmon fishing in the American or Feather rivers or the Sacramento River below Red Bluff Diversion Dam

This option depends on Chinook salmon being allocated for Central Valley river sport harvest from PFMC coordination of west coast salmon management. The scope of this option is intentionally broad to encapsulate all possibilities for the Commission final action on the PFMC 2010 recommendations for Central Valley salmon stocks in mid-April.

For the American and Feather rivers and the Sacramento River below the Red Bluff Diversion Dam, the proposed changes are bag limit ranges of 1 or 2 for Chinook salmon. Varied season dates for lower river reaches as shown below:

American River, subsection 7.50(b)(5)

- 1) Revise subsections (A) and (D) [from near Nimbus Dam to Hazel Avenue Bridge, and from the southwest boundary of Ancil Hoffman Park to the mouth]:
 - a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
- 2) Revise subsection (B) [from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery]:
 - a. Reduce season length to January 1 through a date between July 15 and September 14 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 14, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
- 3) Revise subsection (C) [from the USGS gauging station cable crossing near Nimbus Hatchery to the southwest boundary of Ancil Hoffman Park]:
 - a. Reduce season length to January 1 through a date between July 15 and October 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through October 31, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Revise subsection (C) [Highway 70 to the Sunset Pumps]:
 - a. Reduce season length to January 1 through a date between July 15 and September 30 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the period after a. above through September 30, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.
 - c. Add October 1 through December 31 as “Closed to salmon fishing” and “No take or possession of salmon”, allowing existing trout and steelhead limits to reinstate pre-2008

protective closure for migrating Yuba River salmon.

- 2) Add subsection (D) [Sunset Pumps to the mouth]:
 - a. Add season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

Sacramento River, subsection 7.50(b)(156)

- 3) In subsections (J) and (K) [from near the Lower Red Bluff Boat Ramp to Knights Landing and from Knights Landing to the Carquinez Bridge]:
 - a. Reduce season length to January 1 through a date between July 15 and December 31 to be closed to salmon fishing, allowing existing trout and steelhead limits.
 - b. For the remainder of the year, there will be a bag limit range of 1-2 Chinook salmon, allowing existing trout and steelhead bag limits.

This option will increase protection for Central Valley Chinook in all anadromous Central Valley rivers and streams while providing flexibility to develop a possible season, if salmon are available for inland sport harvest.

Additional minor changes to the regulations are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

- (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.

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:

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:

The Commission could reduce season duration for salmon, require additional gear restrictions, or close entire river systems for all fisheries which includes trout, steelhead, striped bass, sturgeon and other non-salmonids.

(b) No Change Alternative:

The no change alternative is one of the options under consideration if severe restrictions are place on California's Central Valley salmon fisheries.

(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 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) 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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