



The Department is proposing a range of varied salmon season dates in the American, Feather and Sacramento rivers to encompass possible PFMC 2011 recommendations for Central Valley salmon stocks in mid-April. The scope of this option is intentionally broad to increase flexibility for development of the final Central Valley salmon seasons.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2010 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2011 Ocean Salmon Fisheries*, are available in late February 2011.

### **Present Regulations**

The current regulations allow for no salmon fishing in all anadromous Central Valley rivers and streams except for the following short fishing seasons to achieve the 2010 PFMC harvest target of 8,200 Sacramento River Fall Chinook and allow continuance of the Central Valley Late-Fall Chinook fishery.

- 1) The American River downstream of the southwest boundary of Ancil Hoffman Park [subsection 7.50(b)(5)], was open to salmon fishing from October 30 to November 28 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 2) The Feather River downstream of 1000 feet below the Thermalito Afterbay Outfall [subsection 7.50(b)(68)], was open to salmon fishing from July 31 to August 29 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 3) The Sacramento River, subsection 7.50(b)(156) was open to salmon fishing as follows;
  - a. between Deschutes Road bridge and Red Bluff Diversion Dam from October 9 to October 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (H)];
  - b. between Sycamore Boat Ramp and Highway 113 bridge from October 9 to December 12 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (J)]; and
  - c. between Highway 113 bridge and Carquinez bridge from September 4 to October 3 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits [Subsection (K)].

## **Proposed Regulations**

The range of varied season dates for the American, Feather and Sacramento rivers are proposed to cover the possible PFMC recommendations for the Commission's final action and other associated items are shown below:

### American River, subsection 7.50(b)(5)

- 1) Subsection (D) is proposed to be split into two subsections. Subsection (D) will apply to the American River from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge. New subsection (E) will apply to the American River from the Jibboom Street Bridge to the mouth.
  - a. This proposed change will reduce public confusion and assist enforcement efforts when the Sacramento River is open under a different season structure.
- 2) The American River from Nimbus Dam to the mouth [subsections (A) through (E)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) The American River from Nimbus Dam to Hazel Avenue Bridge [subsection (A)]; from the SMUD power line crossing at the southwest boundary of Ancil Hoffman Park to the Jibboom Street Bridge [subsection (D)]; and from the Jibboom Street Bridge to the mouth [subsection (E)].
  - a. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 4) The American River from Hazel Avenue Bridge to the USGS gauging station cable crossing near Nimbus Hatchery [subsection (B)].
  - a. The proposal is a range of varied dates between July 16 and September 14 to be open to salmon fishing with existing trout and steelhead bag limits.
- 5) The American River from the USGS gauging station cable crossing near Nimbus Hatchery to the SMUD power line crossing the southwest boundary of Ancil Hoffman Park [subsection (C)].
  - a. The proposal is a range of varied dates between July 16 and October 31 to be open to salmon fishing with existing trout and steelhead bag limits.

### Feather River, subsection 7.50(b)(68)

- 1) There are no proposed changes for the Feather River between Fish Barrier Dam to 1000 feet below the Thermalito Afterbay Outfall [subsections (A) through (C)].
- 2) The Feather River from 1,000 feet below the Thermalito Afterbay Outfall to the mouth [subsection (D)].

- a. This segment of the Feather River will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
  - b. The proposal is a range of varied dates between July 16 and December 31 to be open to salmon fishing with existing trout and steelhead bag limits.
- 3) A line delineating the regulatory boundary at the Feather River mouth is proposed to be added to subsection (D) to reduce public confusion and assist enforcement efforts when the Sacramento River is open under a different season structure.

Sacramento River above Keswick Dam, subsection 7.50(b)(156)

- 1) Subsection 7.50(b)(156) is proposed to be split into two subsections to separate the non-anadromous sections of the Sacramento River (upstream of Keswick Dam) from the anadromous sections (downstream of Keswick Dam).
- a. This proposed change will allow all PFMC-related salmon regulations to be moved into the supplement regulations book to eliminate conflicting salmon regulations from being published prior to the annual Federal and State salmon regulatory cycle.
- 2) Subsections (A) through (E) which apply only to non-anadromous salmonid regulations above Keswick Dam will remain in subsection (156).
- 3) There are no other proposed changes for subsections (A) through (E).
- 4) Subsections (F) through (K) are proposed to be moved to new subsection 7.50(b)(156.5).

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsections (A) through (F) will keep the same area structure of subsections (F) through (K) of Section 7.50(b)(156) to help reduce public confusion.
- 2) The Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] will remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
- 3) A range of varied dates between July 16 and December 31 is proposed for the Sacramento River from Keswick Dam to the Carquinez Bridge [subsections (A) through (F)] to be open to salmon fishing with existing trout and steelhead bag limits.

Associated Items

- 1) The Sacramento River note in the Sierra District regulations, subsection 7.00(b)(1), will be revised to include the new subsection 7.50(b)(156.5).

This proposed change will realign the regulation linkage for the

Sacramento River note for Shasta and Tehama counties and reduce public confusion.

- 2) The bag limit of two Chinook is proposed to remain in place for all areas open to salmon fishing in 2011.
- 3) A minor change is proposed to the note describing wild trout at the end of subsection 7.50(b) to improve clarity and reduce public confusion.
- 4) Additional minor changes 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 include trout, steelhead, striped bass, sturgeon and other non-salmonids.

- (b) No Change Alternative:

The no change alternative will keep severe restrictions in place for

California's Central Valley salmon fisheries. The no change alternative may be adopted if there are low Sacramento River Fall Chinook salmon returns to the Central Valley river system.

(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)

The Pacific Fishery Management Council (PFMC) will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 10, 2011 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 14, 2011 meeting.

Although there are no PFMC regulatory options to review at this time, there exists a possibility of continued ocean water closures off California due to low Chinook salmon returns to the Central Valley River System in 2010. These ocean closures may result in PFMC recommendations for Central Valley salmon fishery closures.

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