

The Department and Department of Water Resources (DWR) have been working cooperatively to develop a successful cold water fishery in Lake Oroville. This is based, in part, on a requirement in DWR's FERC license of the Oroville Hydroelectric facility to provide a cold water fishery. DWR and the Department began stocking on an experimental basis hatchery raised non-indigenous Coho salmon into Lake Oroville in 2002. Based on the success of the non-indigenous Coho salmon fishery in Lake Oroville and the Lake Oroville Coho Salmon Stocking Risk Assessment (DWR, 2004) the Department approved stocking of hatchery raised non-indigenous Coho salmon into Lake Oroville with the stipulation that all stocked Coho be marked with an adipose fin clip and a coded wire tag.

There has been growing evidence over the last few years that planted non-indigenous Coho salmon are escaping from Lake Oroville. Recent boat based electrofishing surveys conducted in the Oroville-Thermalito Complex showed highest concentration of non-indigenous Coho salmon closest to Lake Oroville Dam. Escapement appears to be greatest during wet years though some escapement seems to happen in all years. This proposal would allow harvest by the existing Oroville-Thermalito Complex fishery of non-indigenous Coho salmon that escape Lake Oroville.

Concern has been raised over the potential impact that escaped non-indigenous Coho salmon could have on native salmonids in either the anadromous waters of the Feather River or in other streams and rivers with runs of native Coho salmon. Of particular concern is the potential for interbreeding with native Coho salmon stocks. Although the likelihood of the planted fish out-migrating, surviving predation and ocean fisheries, straying, and successfully spawning is extremely low, the current status of native stocks makes this a real concern. In response the Department is now requiring all non-indigenous Coho salmon planted in Lake Oroville to be triploid (sterile). In 2011, the Department approved the first experimental plant of 18,000 triploid non-indigenous Coho salmon into Lake Oroville.

Planting triploid non-indigenous Coho salmon will alleviate the potential for interbreeding in future years and this proposed regulation amendment will help continue the non-indigenous Coho salmon fishery in the Oroville-Thermalito Complex. As data show the non-indigenous Coho salmon density rapidly decreasing with distance from the dam, and a vast majority the flow from Lake Oroville goes through the Oroville-Thermalito Complex, this proposed regulation amendment targets escaped non-indigenous Coho salmon where they are most likely to be encountered. Due to extremely low numbers, a non-indigenous Coho salmon fishery is not warranted in the anadromous reaches of the Feather River and these fish

are not anticipated to impact native fishes either through competition or predation.

Current Regulations

Section 7.00, CCR, Title 14, allows the take of non-indigenous Coho salmon in only Lake Oroville under the General District bag and possession limit of 5 fish for the Valley District.

Proposed Regulations

Section 7.00, CCR, Title 14, will be revised to expand the take of non-indigenous Coho salmon to the Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River between the Diversion Pool Dam and Fish Barrier Dam. The current General District bag and possession limit of 5 fish for the Valley District will remain in place.

This change will allow for take of non-indigenous Coho salmon to reduce the possible threat to the anadromous waters of the Feather River over the near term until the diploid stocks already in the lake are depleted, and will provide for increased opportunity for the public over the long term if and when some triploid fish escape in the future.

Subsection (b)(68) of Section 7.50, CCR, Title 14, will be revised to clarify current enforcement practices and public understanding that all non-anadromous waters of the Oroville-Thermalito Complex and areas of the Feather River above the Fish Barrier Dam are subject to the General District regulations for the Valley District.

- (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, 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:

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)

The Department of Fish and Game (Department) is proposing an amendment to the General District sport fishing regulations for the Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River between the Diversion Pool Dam and Fish Barrier Dam. This proposal would expand the take of non-indigenous Coho salmon, which are currently limited to Lake Oroville proper, to include the Oroville-Thermalito Complex and the Feather River between the Diversion Pool Dam and Fish Barrier Dam.

Current Valley District regulations allow take of non-indigenous Coho salmon only in Lake Oroville. Bag and possession limits for the Oroville-Thermalito Complex and the Feather River between the Diversion Pool Dam and Fish Barrier Dam are already under the current Valley District regulations and would not require any special fishing regulations for these waters.

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There has been growing evidence over the last few years that planted non-indigenous Coho salmon are escaping from Lake Oroville. Recent boat based electrofishing surveys conducted in the Oroville-Thermalito Complex showed highest concentration of non-indigenous Coho salmon closest to Lake Oroville Dam. Escapement appears to be greatest during wet years though some escapement seems to happen in all years. This proposal would allow harvest by the existing popular Oroville-Thermalito Complex fishery of non-indigenous Coho salmon that escape Lake Oroville.

Concern has been raised over the potential impact that escaped non-indigenous Coho salmon could have on native salmonids in either the anadromous waters of the Feather River or in other streams and rivers with runs of native Coho salmon. Of particular concern is the potential for interbreeding with native Coho salmon stocks. Although the likelihood of the planted fish out-migrating, surviving predation and ocean fisheries, straying, and successfully spawning is extremely low, the current status of native stocks makes this a real concern. In response the Department is now requiring all non-indigenous Coho salmon planted in Lake Oroville to be triploid (sterile). In 2011, the

Department approved the first experimental plant of 18,000 triploid non-indigenous Coho salmon into Lake Oroville.

Planting triploid non-indigenous Coho salmon will alleviate the potential for interbreeding in future years and this proposed regulation amendment will help continue the non-indigenous Coho salmon fishery in the Oroville-Thermalito Complex. As data show the non-indigenous Coho salmon density rapidly decreasing with distance from the dam, and a vast majority the flow from Lake Oroville goes through the Oroville-Thermalito Complex, this proposed regulation amendment targets escaped non-indigenous Coho salmon where they are most likely to be encountered. Due to extremely low numbers, a non-indigenous Coho salmon fishery is not warranted in the anadromous reaches of the Feather River and these fish are not anticipated to impact native fishes either through competition or predation.

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Subsection (b)(68) of Section 7.50, CCR, Title 14, will be revised to clarify current enforcement practices and public understanding that all non-anadromous waters of the Oroville-Thermalito Complex and areas of the Feather River above the Fish Barrier Dam are subject to the General District regulations for the Valley District.

Regulatory Language

Section 7.00, Title 14, CCR, is amended to read:

§7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout and salmon fishing in subsections (a) through (g) below, are open to fishing for other species. Gear restrictions listed in this section apply to the take of all species of fish unless otherwise noted. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout and salmon fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20, crayfish (see Section 5.35), and lamprey (see Section 5.40), using legal fishing methods other than hook-and-line fishing, and saltwater clams, crabs, ghost shrimp, and blue mud shrimp (see Ocean Regulations Booklet Sections 29.20 to 29.87). Crabs may only be taken using hoop nets or by hand, and Dungeness crab may only be taken within the North Coast District and Sonoma and Mendocino counties.

Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed. ~~Silver (coho)~~ Coho (silver) salmon may not be taken in any of the waters of the State, except in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Incidentally hooked ~~Silver (coho)~~ Coho (silver) salmon, except those in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam, must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout or salmon is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

These waters may also be subject to restrictions on fishing methods and gear (sections 2.00 through 2.45), fishing hours (section 3.00), and the use of bait (sections 4.00 through 4.30).

<i>District/Water</i>	<i>Open Season</i>	<i>Daily Bag and Possession Limit</i>
(a) North Coast District		
(1) No trout or salmon may be taken in the North Coast District except as provided in subsection (2), (3) and (4) below and the Alphabetical List of Waters with Special Regulations.		
(2) All lakes and reservoirs except those listed	All year.	5 per day 10 in

by name in the Special Regulations.		possession
(3) Anadromous waters of the Klamath and Trinity River Systems, and those entering the ocean south of Humboldt Bay, which are not listed in the Special Regulations.	Closed to all fishing all year.	
(4) All anadromous waters tributary to Humboldt Bay, and north of Humboldt Bay, except those of the Klamath and Trinity river systems and those listed by name in the Special Regulations.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	0
(5) All streams except anadromous waters and those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 trout per day, 10 in possession
(NOTE: A list of the non-anadromous waters opened to trout fishing (STREAMS AND PORTIONS OF STREAMS NOT LISTED IN THE SPECIAL REGULATIONS THAT ARE OPEN TO TROUT FISHING FROM THE LAST SATURDAY IN APRIL THROUGH NOVEMBER 15 (New 6-12-98), which is incorporated by reference herein) is available from the Department's Region 1 Office, 601 Locust Street, Redding, CA 96001 (Telephone: (530) 225-2300).		
(6) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIMIT: UP TO 10 BROOK TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE NORTH COAST DISTRICT.		
(b) Sierra District		
(1) Anadromous waters of Tehama and Shasta counties not listed in the Special Regulations. (Section 7.50). (See subsection (b)(156) of Section 7.50, regarding the Sacramento River.)	Last Saturday in Apr. through Nov. 15. Only artificial lures and barbless hooks may be used.	0 trout or steelhead Closed to salmon fishing. No take or possession of salmon.
(2) All lakes and reservoirs except those in the Fall River Valley, those in Inyo and Mono counties and those listed by name in the Special Regulations.	All year.	5 per day 10 in possession
(3) All streams, lakes and reservoirs in Inyo and Mono counties, except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 per day 10 in possession
(4) All streams, lakes and reservoirs in the Fall River Valley above the Pit No. 1 Powerhouse on Fall River in Shasta County, except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	2

(5) All streams in Lassen and Modoc counties east of Highway 395 and north of Clarks Valley Road. Clarks Valley Road is defined as those portions of county routes 510, 512 and 506 running easterly from the town of Madeline to the Nevada border.	Saturday preceding Memorial Day through Nov. 15.	5 per day 10 in possession
(6) All other streams except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 per day 10 in possession
(7) Mono County waters, when closed to trout fishing, are closed to all fishing, except for the unrestricted portions of Fish Slough which are open to fishing all year. Also, see subsection (b)(68.3) of Section 7.50 and subsection (b)(15) of Section 5.00.		
(10) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIMIT:		
(A) IN SIERRA DISTRICT WATERS OF SISKIYOU, SHASTA AND TEHAMA COUNTIES, UP TO 10 BROOK TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT.		
(B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP TO 10 BROOK TROUT PER DAY LESS THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT. THIS ALLOWANCE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LAND OR ROOSEVELT LAKES IN MONO COUNTY		
(c) North Central District		
(1) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	5
(2) All streams except those listed by name in the Special Regulations.	Closed to all fishing all year.	
(3) The tidewaters of all streams except those listed by name in the Special Regulations Note: Some waters within this district are tide waters regulated by regulations for the ocean and San Francisco Bay District (see sections 1.53 and 27.00)	Closed to all fishing all year.	
(d) Valley District		
(1) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	5
(2) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04).	All year	0 trout or steelhead Closed to salmon fishing.

		No take or possession of salmon.
(3) All streams except anadromous waters and those listed by name in the Special Regulations	All year	5
(e) South Central District		
(1) All lakes and reservoirs except those listed by name in the Special Regulations.	All year	5
(2) That portion of any stream west of any Highway 1 bridge except those listed by name in the special regulations.	Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., legal holidays and opening and closing days. Only barbless hooks may be used.	0
(3) All streams in Alameda, Contra Costa, and Santa Clara Counties except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15	5
(4) All other streams and portions of streams except those listed in subsection (e)(2) above or by name in the Special Regulations.	Closed to all fishing all year	
(f) Southern District		
(1) All lakes and reservoirs except those listed by name in the Special Regulations.	All year.	5
(2) All streams except anadromous waters in San Diego County, and except those listed by name in the Special Regulations.	All year. Only artificial lures with barbless hooks may be used.	2
(3) All streams except anadromous waters in Los Angeles, Ventura, Santa Barbara, Orange, San Bernardino and Riverside Counties, and except those listed by name in the Special Regulations.	All year	5
(4) All anadromous waters except those listed by name in the Special Regulations (See definition of anadromous waters, Section 1.04)	Closed to all fishing all year.	
(5) All streams and tributaries (except those listed by name in the Special Regulations) above Twitchell Dam on the Cuyama River, above Bradbury Dam and below Gibraltar Dam on the San Ynez River; above Matilija Dam on Matilija	All year	5

Creek and above Wheeler Gorge Campground on NF Matilija Creek; and above Rindge Dam on Malibu Creek.		
(g) Colorado River District		
(1) The Colorado River and its back waters	All year	10
(2) All other waters	All year	5

NOTE:

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

Subsection 7.50(b)(68), 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>
(68) Feather River below Oroville Dam <u>Fish Barrier Dam</u> (Butte, Sutter and Yuba Cos.).		
(A) From Fish Barrier Dam to Table Mountain bicycle bridge in Oroville.	Closed to all fishing all year.	
(B) From Table Mountain bicycle bridge to Highway 70 bridge.	Jan. 1 through July 15. Only barbless hooks may be used.	1 hatchery trout or hatchery steelhead** Closed to salmon fishing. No take or possession of salmon.
(C) From Highway 70 bridge to 1,000 feet below the Thermalito Afterbay Outfall.	All year.	1 hatchery trout or hatchery steelhead** Closed to salmon fishing. No take or possession of salmon.
(D) From 1,000 feet below the Thermalito Afterbay Outfall to the mouth. For purposes of this regulation, the lower boundary is defined as a straight line drawn from the peninsula point on the west bank to the Verona Marine boat ramp.	Jan. 1 through July 15.	1 hatchery trout or hatchery steelhead** Closed to salmon fishing. No take or possession of salmon.

	July 16 through Dec. 11.	1 hatchery trout or hatchery steelhead** 2 Chinook salmon
	Dec. 12 to Dec. 31.	1 hatchery trout or hatchery steelhead** Closed to salmon fishing. No take or possession of salmon.

* Wild Chinook salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

** 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 (adipose fin is present).

Note: Authority cited: 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.