

OPTION 2 – ALLOW HARVEST OF STRIPED BASS

Amend Section 2.30, Spearfishing.

- This section will be amended to allow the harvest of striped bass by spear fishing in the Valley district under the authority of a sport fishing license.
- Open all of Black Butte Lake to spear fishing to eliminate an enforcement issue because half of the lake is located in Tehama County (Sierra District) and the other half in Butte County (Valley District).
- Clarify where the designated salmon spawning areas are defined.

The benefits of the proposed regulations are sustainable management of sport fishing resources, protection of listed and special status species, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

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

Authority: Sections 200, 202, 205, 215 and 220, Fish and Game.

Reference: Sections 200, 202, 205, and 220, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

[Public Proposed Regulatory Changes and Department Recommendations for 2012 Inland Sport Fishing Regulations Review Cycle](#)

- (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:

See Table 1 in Public Proposed Regulatory Changes and Department Recommendations for 2012 Inland Sport Fishing Regulations Review Cycle for public comments considered and not accepted.

(b) No Change Alternative:

The no change alternative would leave existing regulations in place with inconsistent regulations, ongoing enforcement issues, and no allowance for use of spear for taking of striped bass.

(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 would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of

existing businesses or the expansion of businesses in California. The potential impacts from the proposed regulations in the Sport Fishing Review Cycle may range from 0 to 16,000 jobs depending on the Commission's final actions. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for the sport fisheries encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California's sport fishing resources.

(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)

Spear fishing as defined under Section 2.30, Title 14 is restricted to the Colorado and Valley Districts and a small area of the Kern River with species and exemptions.

The Commission has requested the option to discuss spear fishing regulations for striped bass under the upcoming Sport Fishing Review Cycle. The Department has serious reservations allowing spear fishing for striped bass and can only support offering an option to consider spear fishing in existing areas allowed in Section 2.30 at this time.

The expansion of any spear fishing for striped bass outside of these areas is a very complicated subject and needs a larger coordination effort than can be achieved under the current Sport Fishing Review cycle. There are significant issues related to listed and special status species that will require comprehensive review and coordination with the federal and local agencies and stakeholders.

Proposal Overview

This Department is proposing the following two regulatory options for Commission consideration of allowing the take of striped bass in inland waters with spear fishing as requested by various spear fishing groups.

OPTION 1 – NO HARVEST OF STRIPED BASS

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