



by the absence of an adipose fin. All hatchery steelhead in California are currently marked with an adipose fin clip.

The Department believes harvesting surplus and stray hatchery steelhead will protect and increase wild steelhead resources. Contrary to management strategies from the last several decades, research and ensuing literature demonstrate that a key to protecting reproductive fitness of wild salmonids is to decrease/remove genetic introgression by decreasing the number of hatchery salmonids spawning with wild salmonids. Although total prevention of introgression between surplus and stray hatchery steelhead and wild steelhead is unrealistic, proper angling regulations and angler education will be a vital factor in attaining resilient and sustainable wild steelhead populations.

With the exception of the Mokelumne River Hatchery, California hatcheries generally meet their annual steelhead production goals resulting in “surplus” hatchery steelhead remaining in the river. Often this “surplus” has been “substantial”, which is good for the anglers; however, unharvested hatchery steelhead that compete and spawn with wild steelhead likely harm success of wild steelhead stocks by reducing reproductive fitness of successive generations. Increasing allowable harvest of surplus hatchery steelhead will increase angler opportunity and harvest, and will greatly benefit wild steelhead populations.

If the regulations proposed here are implemented, the Department believes the fundamental character of California’s steelhead fishing will be improved, while important fishery management and wild steelhead population management will be positively effected. In addition, the proposed regulations are intended to simplify statewide steelhead regulations and provide for effective enforcement.

#### Additional Revisions

Several members of the general public have expressed difficulty understanding which inland waters in California are closed to salmon fishing. In addition, some of the rivers and streams in Klamath/Trinity and Central Valley basins are periodically opened and closed to salmon fishing. To help reduce salmon regulation confusion the Department is proposing to list all inland state waters as closed to salmon fishing unless otherwise noted in district or special regulations.

The Department proposes to increase protection of redband trout, align management efforts and reduce public confusion in Davis and Pine creeks and the McCloud River tributaries of Edison, McKay, Moosehead and Swamp creeks.

The Department proposes to close the Sisquoc River and the tributaries of Silver King Creek to all fishing to increase protection for steelhead and trout, respectively, and open Wolf Creek to limited fishing due to stable populations of Lahontan cutthroat.

The Department also proposes to offer increased fishing opportunities in Chowchilla River and Eastman Lake, close a portion of the Stanislaus River, close Wolf Creek Lake, and limit fishing to non-salmonids only in San Diego Creek and San Gabriel River due to changes in local fish populations or conditions.

Additional minor changes are proposed to improve clarity, reduce public confusion, improve enforcement, and standardize Title 14 structure.

### **Proposal Overview**

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas.

With recent Central Valley salmon closures, many anglers have expressed confusion as to which waters are actually open to salmon fishing. To help clarify this situation the Department proposes that all district regulations (Section 7.00) specify that salmon fishing is closed in all streams unless otherwise indicated in the list of waters with special fishing regulations (Section 7.50). This will help reduce public confusion and standardize the regulatory approach.

As a continuing effort to improve steelhead management and angling opportunities, the Department proposes to liberalize regulations in most areas where only catch and release fishing is currently allowed with the objective of meeting the following goals: 1) allow and encourage anglers to harvest “surplus” hatchery steelhead (adults in excess of number necessary to meet a hatchery’s production goals) on streams with hatcheries, and 2) allow and encourage anglers to harvest hatchery steelhead that stray into streams without hatchery production. This will help increase fishing opportunities while increasing protection for naturally spawning steelhead stocks.

Additional changes are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

### **Salmon and Hatchery Trout/Steelhead Proposed Revisions**

#### Amend Section 7.00 District Regulations.

- Remove subsection (a)(1) and renumber the following subsections to reduce public confusion and improve regulatory enforcement.
- Amend subsections (a)(3), (b)(1), (d)(2), (e)(2) to clarify that these anadromous waters are closed to the take of salmon and revise the bag and possession limits from zero trout and steelhead to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Amend subsection (e)(3) to clarify that these waters are closed to the take of salmon.

- Add note at the end of the table to define hatchery trout or steelhead.

Amend subsection 7.50(a) Alphabetical List of Waters with Special Fishing Regulations.

- Add a new subsection (a)(1) and renumber the following subsections to clarify that:
  - Every body of water listed in Section 7.50 is closed to the take of salmon and salmon fishing unless otherwise noted in this section.

Amend Special Fishing Regulations subsections (b)(2) Albion River, (b)(3) Alder Creek, (b)(22) Big River, (b)(27) Brush Creek, (b)(47) Cottonova Creek, (b)(65) Elk Creek, (b)(66) Elk River, (b)(69) Freshwater Creek, (b)(70) Garcia River, (b)(72) Greenwood Creek, (b)(73) Gualala River, (b)(130) Navarro River, (b)(133)(A) Noyo River, (b)(133)(C) Noyo River, (b)(154) Russian Gulch, (b)(193) Ten Mile River, and (b)(200) Usal Creek.

- Revise the bag and possession limits from zero to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Combine the two open season rows into one row and combine season date columns due to the alignment of the bag and possession limits for both season rows to reduce regulatory complexity.

Amend Special Fishing Regulations subsection (b)(5) American River, (b)(124) Mokelumne River, (b)(129) Napa River, and (b)(212) Yuba River.

- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsections (b)(6) Antelope Creek, (b)(14)(B) Battle Creek, (b)(56) Deer Creek, (b)(60) Dry Creek, (b)(119) Mill Creek, and (b)(198)(D) Tuolumne River.

- Revise bag and possession limits from zero trout or steelhead to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsections (b)(8) Aptos Creek, (b)(12)(B) Arroyo Seco River, (b)(23)(A) Big Sur River, (b)(29)(B) Butano Creek, (b)(37)(B) Carmel River, (b)(40) Chorro Creek, (b)(45) Corralitos Creek, (b)(46) Cosumnes River, (b)(50.8) Coyote Creek, (b)(57) Deer Creek, (b)(72.5) Guadalupe River, (b)(99) Limekiln Creek, (b)(103) Little Sur River, (b)(104)(A) Llagas Creek, (b)(107)(D) Mad River, (b)(113)(B)

and (C) Mattole River, (b)(128)(C) Nacimiento River, (b)(133)(B) Noyo River, (b)(135) Pajaro River, (b)(136) Pescadero Creek, (b)(158)(A) Salinas River, (b)(159)(A) Salmon Creek, (b)(164) San Clemente Creek, (b)(168) San Gregorio Creek, (b)(169) San Lorenzo River, (b)(170) San Luis Obispo Creek, (b)(171) San Simeon Creek, (b)(183) Soquel Creek, (b)(187.5) Stevens Creek, (b)(201) Uvas Creek, (b)(203.5) Waddell Creek, (b)(204)(A) Walker Creek, (b)(206) Walnut Creek.

- Revise bag and possession limits from zero to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.

Amend Special Fishing Regulations subsections (b)(12.5)(B) Auburn Ravine Creek, (b)(18.5)(B) Bear River, (b)(43.5) Coon Creek, and (b)(59.5) Dry Creek.

- Revise bag and possession limits from zero trout to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.
- Revise season ending date to October 15 to standardize season ending date.

Amend Special Fishing Regulations subsection (b)(20) Big Chico Creek.

- Revise bag and possession limits from zero trout and steelhead to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Combine the two open season rows in subsection (A) into one row and combine season date columns due to the alignment of the bag and possession limits for both season rows to reduce regulatory complexity.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsection (b)(21) Big Lagoon, (b)(61.5) Earl Lake, and (b)(188) Stone Lagoon.

- Remove “No other salmonid may be taken” from the bag and possession limits and replace it with the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.

Amend Special Fishing Regulations subsection (b)(32) Butte Creek.

- Revise subsection (A) bag and possession limits from zero trout to the following language:

- 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.
- Revise subsection (B) to move specific species closure information to the bag and possession limits column to standardize regulatory structure.

Add Special Fishing Regulations subsection (b)(63) Eel River.

- Revise subsections (A)1., (A)2., (A)3., (B)2., (C), and (D)1. bag and possession limits from zero to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Revise subsections (A)1. and (A)2. open season to state it is open all year followed by the gear restrictions and effective dates to reduce public confusion and standardize regulatory structure.
- Revise subsections (A)3. and (D)1. open season to place closures in a separate row to reduce public confusion and standardize regulatory structure.
- Revise subsections (A)2., (B)2., and (C) open season rows into one row and combine season date columns due to the alignment of the bag and possession limits for both season rows to reduce to reduce public confusion and standardize regulatory structure.
- Revise subsections (A)2., (B)2, and (C). open season to place closures in a separate row to reduce public confusion and standardize regulatory structure.
- Revise subsections (A)2. body of water to clarify a better description of the sub area end point to reduce public confusion and standardize regulatory structure.
- Revise subsections (A)3. body of water to provide a cross reference to Lake Pillsbury open to reduce public confusion and standardize regulatory structure.
- Revise subsections (B)2. body of water to clarify a better description of the sub area end point and move it downstream to provide protection for a snagging hole to reduce public confusion and improved regulatory enforcement.

Amend Special Fishing Regulations subsection (b)(68) Feather River.

- Revise subsections (B) through (E) bag and possession limits for hatchery trout and hatchery steelhead to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsection (b)(91.1) Klamath River.

- Revise District cross reference from 7.00(a)(5) to 7.00(a)(4).
- Revise subsection (C)1.b.(i) possession limit from 1 hatchery trout or hatchery steelhead to 4 hatchery trout or hatchery steelhead.
- Revise subsections (E)1., (E)3., (E)4., (E)5., (E)6.a., (E)6.d. (E)6.g., and (E)6.h. bag limit from 1 hatchery trout or hatchery steelhead to 2 hatchery trout or hatchery steelhead.
- Revise subsections (E)2.a. and (E)2.b. bag limit from 1 hatchery trout or hatchery steelhead to 2 hatchery trout or hatchery steelhead.
- Revise subsection (E)6.i. bag limit from 1 hatchery trout or hatchery steelhead to 2 hatchery trout or hatchery steelhead.

Amend Special Fishing Regulations subsection (b)(102) Little River.

- Remove “No other salmonid may be taken” from the bag and possession limits and replace it with the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Combine the two open season rows into one row and combine season date columns due to the alignment of the bag and possession limits for both season rows to reduce regulatory complexity.

Amend Special Fishing Regulations subsections (b)(118) Merced River, (b)(158)(B) Salinas River, (b)(186) Stanislaus River, and (b)(198)(E) Tuolumne River.

- Revise bag and possession limits from zero trout to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise.

Amend Special Fishing Regulations subsection (b)(156.5) Sacramento River.

- Revise subsection (B) bag and possession limits from 1 trout to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove subsection (B) maximum size limit on trout since only hatchery fish maybe taken.
- Revise subsection (C) bag and possession limits to removed the 1 wild trout and combine the five open season rows into three rows and combine season date columns due to the alignment of the bag and possession limits for both season rows to reduce regulatory complexity.
- Revise subsection (E) to add the following note:
  - It is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa and Tisdale Weirs

- This addition will prohibit harvest and harassment of fish trapped in flood-control structures and increase fish protection until rescue operations or river flows allow return of these fish to the river.
- Revise subsection (F) to add the following note:
  - It is unlawful to take fish 0-250 feet downstream from the overflow side of the Fremont and Sacramento Weirs. This addition will prohibit harvest and harassment of fish trapped in flood-control structures and increase fish protection until rescue operations or river flows allow return of these fish to the river.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsections (b)(163) San Benito River.

- Revise bag and possession limits from five trout and zero salmon to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
  - Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsection (b)(168.5) San Joaquin River.

- Revise subsection (A) bag and possession limits from zero trout to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Revise subsection (B) bag and possession limits from five trout to the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.
- Remove any salmon closure information from the daily bag and possession limit column as it is covered under the proposed addition of subsection (a)(1) that places all Section 7.50 areas under a statewide salmon fishing closure unless otherwise specified.

Amend Special Fishing Regulations subsection (b)(180) Smith River.

- Revise subsections (A), (B)1., (C)1., and (D)1. bag and possession limits to remove 1 wild trout or steelhead per year to reduce public confusion and add language that states no more than 5 wild Chinook over 22 inches per year. This is due to public requests to harvest Chinook jacks.
- Revise subsections (B)1. and (C)1. to extend the season and barbless

requirement to April 30 in alignment with subsection (A) to increase fishing opportunities.

- Revise subsections (B)2., (C)3., (D)2. to remove “No other salmonid may be taken” from the bag and possession limits and replace it with the following language:
  - 2 hatchery trout or hatchery steelhead, and
  - 4 hatchery trout or hatchery steelhead in possession.

### **Additional Revisions**

#### Repeal Special Fishing Regulations subsection (b)(41) Chowchilla River.

- Remove subsection to reopen the river under the district regulations following completion of the United States Corps of Engineers’ Hydrilla removal project to offer increased fishing opportunities.

#### Amend Special Fishing Regulations subsection (b)(53.5) Davis Creek and (b)(139.5) Pine Creek.

- Revise bag and possession limits to zero to increase protection of redband trout and align management efforts in Modoc County.

#### Amend Special Fishing Regulations subsection (b)(62) Eastman Lake.

- Realign subsections from upstream to downstream.
- Delete subsection (B) and move to new subsection (A) with new boundaries to allow limited fishing in a known bald eagle nesting area outside of the breeding season from August 1 to November 31 under a 5-fish per day bag limit to offer increased fishing opportunities.
- Renumber subsection (A) to (B).

#### Add Special Fishing Regulations subsection (b)(62.5) Edison Creek, (b)(115.4) McKay Creek, (b)(125.5) Moosehead Creek, and (b)(189.8) Swamp Creek.

- Add reference to see regulations for McCloud River subsection (b)(115) to increase protection of redband trout, reduce public confusion and improve regulatory enforcement.

#### Amend Special Fishing Regulations subsection (b)(93) Laguna De Santa Rosa and (b)(172) Santa Rosa Creek.

- Remove the target information from the open season column.
- Revise bag and possession limits from zero to allow the take of non-salmonid species and closed to the take of trout and steelhead to reduce public confusion and improve regulatory enforcement.

#### Amend Special Fishing Regulations subsection (b)(115) McCloud River.

- Revise subsection (B) to read McKay Creek and all tributaries including Sheepheaven Spring to provide correct stream names.
- Add subsection (C) to read Edson Creek and all tributaries with the following regulations
  - Closed to all fishing all year to increase protection of redband trout.
- Add subsection (D) to read Swamp Creek and all tributaries with the

following regulations:

- Season of last Saturday in April through November 15.
  - Only artificial lures with barbless hooks may be used.
  - Daily bag and possession limit of zero to increase protection of redband trout.
- Renumber subsections (C) through (E) to (E) through (G).
  - These revisions are to reduce public confusion and improve regulatory enforcement with the correct stream names.

Amend Special Fishing Regulations subsections (b)(115.4) McLeod Lake and (b)(115.5) Meiss Lake.

- Revise subsection (b)(115.4) to read (b)(115.6) due to addition of subsection (b)(115.4) McKay Creek.
- Revise subsection (b)(115.5) to read (b)(115.8) due to addition of subsection (b)(115.4) McKay Creek.

Amend Special Fishing Regulations subsection (b)(155) Russian River.

- Revise body of water description and add note to also see subsection (b)(116) to reduce public confusion.

Amend Special Fishing Regulations subsection (b)(165.2) San Diego Creek and (b)(167.2) San Gabriel River.

- Revise bag and possession limits from zero trout and steelhead to allow the take of non-salmonid species and closed to the take of trout and steelhead to reduce public confusion and improve regulatory enforcement.

Amend Special Fishing Regulations subsection (b)(176.5) Sheepheaven Creek.

- Revise body of water description to say only Sheepheaven Spring as the actual stream is McKay Creek to reduce public confusion and improve regulatory enforcement.

Amend Special Fishing Regulations subsection (b)(178)(B) Silver King Creek

- Revise body of water description to remove tributaries from the open season to increase protection for threatened Paiute cutthroat trout.
- Revise open season to the Last Saturday in April instead of May 21 to allow for more fishing opportunity.

Amend Special Fishing Regulations subsection (b)(178.5) Sisquoc River

- Close the river to all fishing all year to increase protection for listed steelhead as requested by local fishing groups.

Amend Special Fishing Regulations subsection (b)(187) Stanislaus River, Middle Fork

- Remove subsection (A) to align the regulations for this area with the other subsections as the road to the Afterbay is closed and not accessible in the winter

- Renumber the following subsections.
- Remove the minimum size in subsection (B) to increase fishing opportunities and reduce public confusion.

Amend Special Fishing Regulations subsection (b)(208.5) Wolf Creek

- Revise open season and bag and possession limits to reopen the creek to limited fishing from August 1 through November 15 under a zero bag limit with only artificial flies with barbless hooks.
- This proposal will increase limited fishing opportunities on the stable Lahontan cutthroat trout population in the creek.

Add Special Fishing Regulations subsection (b)(208.6) Wolf Creek Lake

- This proposal will keep the lake closed to fishing all year to protect Sierra Nevada yellow legged frog habitat while offering fishing opportunities in Wolf Creek.

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

The benefits of the proposed regulations are sustainable management of sport fishing resources and promotion of businesses that rely on sport fishing.

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, 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:

[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, reduced fishing opportunities, continue ongoing enforcement issues, not reduce competition on the natural spawning grounds from hatchery fish and, in-fact is detrimental to the reproductive fitness of wild-born descendants. The no-change alternative will not provide increased fishing opportunities for anglers.

(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 15,500 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)

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas in two general areas.

1. Hatchery trout and steelhead fishing revisions to allow harvest in most areas where only catch and release fishing is currently allowed.
2. Additional revisions are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

### Hatchery Trout and Steelhead

California's steelhead supports a popular sport fishery throughout California's coastal anadromous waters north of Santa Barbara and the Central Valley Basin. Since 1998, the majority of California steelhead have been Federally listed under the Endangered Species Act (ESA), and since 1999 only harvest of hatchery steelhead has been allowed in California, with the exception of the Smith River. The Steelhead Fishing Report-Restoration Card (SH Report Card) data show that hatchery steelhead stray into streams that do not have hatcheries and are caught by steelhead anglers in nearly every anadromous stream in California, with the exception of the Noyo River, where zero hatchery steelhead have been reported caught since 1999).

The Department believes harvesting surplus and stray hatchery steelhead will protect and increase wild steelhead resources. Contrary to management strategies from the last several decades, research and ensuing literature demonstrate that a key to protecting reproductive fitness of wild salmonids is to decrease/remove introgression by decreasing the number of hatchery salmonids spawning with wild salmonids. Although total prevention of introgression between surplus and stray hatchery steelhead and wild steelhead is unrealistic, proper angling regulations and angler education will be a vital factor in attaining resilient and sustainable wild steelhead populations.

With the exception of the Mokelumne River Hatchery, California hatcheries generally meet their annual steelhead production goals and "surplus" hatchery steelhead remain in the river. This "surplus" has been "substantial", which is good for the anglers; however, unharvested hatchery steelhead that compete and spawn with wild steelhead likely harm success of wild steelhead stocks by reducing reproductive fitness of successive generations. Increasing allowable harvest of surplus hatchery steelhead will increase angler opportunity, harvest, and continued fishing, and will greatly benefit wild steelhead populations.

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Many members of the general public have expressed difficulty in understanding which inland waters in California are closed to salmon fishing. In addition, some of the rivers and streams in Klamath/Trinity and Central Valley basins are periodically opened and closed to salmon fishing. The Department is proposing to list all inland state waters as closed to salmon fishing unless otherwise noted in district or special regulations to help reduce public confusion.

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As a continuing effort to improve steelhead management and angling opportunities, the Department proposes to liberalize regulations in most areas where only catch and release fishing is currently allowed with the objective of meeting the following goals: 1) allow and encourage anglers to harvest "surplus" hatchery steelhead (adults in excess of number necessary to meet a hatchery's production goals) on streams with hatcheries, and 2) allow and encourage anglers to harvest hatchery steelhead that stray into streams without hatchery production. This will help increase fishing opportunities while increasing protection for naturally spawning steelhead stocks.

Additional changes are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

The benefits of the proposed regulations are sustainable management of sport fishing resources and promotion of businesses that rely on sport fishing.

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.