

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

Amend Sections 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, and 230; and
Add Sections 1.57 and 5.41, Title 14, California Code of Regulations
Re: Freshwater Sport Fishing Regulations

I. Date of Initial Statement of Reasons: May 20, 2015

II. Dates and Locations of Scheduled Hearings:

- | | | | |
|-----|---------------------|-----------|-------------------|
| (a) | Notice Hearing: | Date: | August 5, 2015 |
| | | Location: | Fortuna |
| | | | |
| (b) | Discussion Hearing: | Date: | October 8, 2015 |
| | | Location: | Los Angeles |
| | | | |
| (c) | Adoption Hearing: | Date: | December 10, 2015 |
| | | Location: | San Diego |

III. Description of Regulatory Action:

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

This Department proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2015 Sport Fishing Regulations Review Cycle. This proposal will clarify regulations for snagging, landlocked salmon, San Francisco and San Pablo Bays, Solano Lake, and reptiles. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement. Additionally, this proposal will add a new fishing restriction to protect sturgeon, and increase fishing opportunities on the Sacramento River.

The Department is proposing the following changes to current regulations:

Snagging Definition

Subsection 2.00(b) would be amended to further define snagging. The current snagging definition states that it is illegal to impale a fish in any part of its body **other than the mouth**. This makes it legal for anyone to keep a fish that has been hooked on the outside of the mouth, such as a hook that enters from the lower jaw into the mouth or nose into the mouth. The proposal is to reword the definition to say **other than inside the mouth**. Subsections 2.00(b) and (c), and

Section 1.05 will need to be amended for consistency.

Proposal: Amend Section 1.05, Angling, and subsections 2.00(b) and (c), Fishing Methods - General

Amend the regulations to clarify that it is illegal to take a fish not hooked on the inside of the mouth.

Landlocked Salmon Definition

Current regulations are inconsistent in their treatment of landlocked salmon. Kokanee salmon (*Oncorhynchus nerka*) are included in the definition of “Trout,” while stocked, landlocked Chinook salmon are included in the definition of “Salmon,” which also includes anadromous forms of salmon. Scientific evidence, including life history variation and behavioral differences, suggests the need for differing management strategies for these species. They should be separately defined and addressed in the freshwater sport fishing regulations. In addition, these new species definitions need to have associated bag and possession limits.

Proposal: Amend Section 1.86, Trout, and Section 7.00, District General Regulations; Add sections 1.57 and 5.41, Landlocked Salmon

This proposal creates a new definition for landlocked salmon which will include kokanee and landlocked Chinook salmon. The daily bag limit will be 5 fish and the possession limit will be 10 fish in a new Section 5.41 and not contained in Section 7.00.

Amend the District General Regulations to revise the references to “trout and salmon” to just “trout.” Amend the daily bag and possession limits to reference the total number of trout or landlocked salmon in combination. This change is proposed to reduce public confusion with landlocked salmon versus anadromous salmon that are allowed only in the Section 7.50 Special Regulations since the General District Regulations has the take of anadromous salmon closed statewide.

Reptile Regulation Correction

A numbering error has been identified in Section 5.60, specifically subsections (b)(10) through (b)(14). The regulation incorrectly reads, “Species No. 9-13 have a limit of twenty-five (25) in the aggregate.” It should read, “Species in subsections (10) through (14) have a limit of twenty-five (25) in the aggregate.” Correcting the numbering mistake will alleviate confusion amongst sport fisherman and wildlife officers.

Proposal: Amend subsection (b) of Section 5.60, Reptiles

Correct the numbering errors in this section to reduce public confusion and enforcement issues.

Sturgeon Fishing Closure and Snagging Revision

Green sturgeon and white sturgeon (subadults and adults) are often stranded for long periods in the Yolo Bypass as well as the Toe Drain and Tule Canal upstream of Lisbon Weir. Some of those fish escape when environmental conditions change but others are rescued or succumb. Through catch-and-release, legal harvest, and poaching, anglers could take both species when stranded. The legal fishery on stranded fish is not sporting, reduces the benefit of rescue efforts, and reduces population spawning potential. Because green sturgeon is a threatened species and white sturgeon is a substantial management concern, addressing this issue is relatively urgent. Therefore, the Department is proposing to prohibit the take and possession of sturgeon in the Yolo Bypass as well as the Toe Drain and Tule Canal upstream of Lisbon Weir at any time.

Current regulations in subsection (d) of Section 5.80 state that a sturgeon must voluntarily take the bait or lure *in* its mouth. This language is proposed to be revised to read *inside* its mouth, to be consistent with proposed revisions to the snagging definition in Section 2.00.

Proposal: Add subsection (j) to Section 5.80, White Sturgeon and amend subsection (d) Methods of take.

Prohibit fishing for sturgeon in the Yolo Bypass Flood Control System to protect green and white sturgeon; Amend the regulations to clarify that it is illegal to take a fish not hooked on the inside of the mouth for alignment with the proposed snagging definition changes to Section 2.00.

Green Sturgeon Revision for Brevity

Take and possession of green sturgeon is prohibited by law. Section 5.81, Green Sturgeon, subsection (d) designates a special fishing closure for sturgeon in the Sierra and Valley District. This special fishing closure is also provided under Section 5.80, White Sturgeon. Because fishing for green sturgeon is prohibited statewide, this regulation is not needed in the regulations for Green Sturgeon.

Proposal: Amend Section 5.81, Green Sturgeon, to remove subsection (d).

Improves clarity and eliminates unnecessary regulatory language regarding the special sturgeon closure for sturgeon in the Sierra and Valley District.

Red Bluff Diversion Dam

Current regulations restrict fishing from 500 feet upstream to 150 feet below Red Bluff Diversion Dam (RBDD). RBDD is no longer operated as an irrigation diversion so the current restrictions about fishing near a dam are no longer needed. Boaters, recreationists, and fish are free to pass up and downstream of the area at will. The angling public is very interested in fishing in the immediate vicinity of the RBDD now that it is no longer in operation and the Sacramento River is not impounded by its gates. The proposal is to allow shore and boat angling above and below RBDD on the Sacramento River.

Proposal: Amend Special Fishing Regulations subsection 7.50(b)(156.5), Sacramento River

Remove the current fishing restriction above and below RBDD on the Sacramento River to increase angling opportunities in Tehama County.

Solano Lake

The proposal is to add Solano Lake to Section 7.50, *Alphabetical List of Waters with Special Fishing Regulations*. The original intent was for Solano Lake to be included in the Putah Creek special fishing regulations. That regulation applies to the stream reach from Solano Lake to Monticello Dam and does not include Solano Lake. Therefore, a new subsection needs to be added to Section 7.50.

Proposal: Add subsection (b)(180.6), Solano Lake, to Section 7.50 Special Fishing Regulations

Add a new regulation for Solano Lake to the Special Fishing Regulations. The daily bag and possession limit will be 0 (zero).

San Francisco and San Pablo Bays Clarification

Currently there are three sections dealing with the Ocean and San Francisco Bay District which describe regulations in different manners causing confusion for anglers and making enforcement of the regulations more difficult:

- Section 27.00 defines the Ocean and San Francisco Bay District as waters of the open coast and includes San Francisco and San Pablo Bays *“plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries”* between the Golden Gate Bridge and the Carquinez Bridge.
- Section 1.53 defines inland waters as all fresh, brackish and inland saline waters of the state, including lagoons and tidewaters upstream from the mouths of coastal rivers and streams. *Inland waters exclude the waters of San Francisco and San Pablo Bays downstream from the Carquinez*

Bridge, the tidal portions of rivers and streams flowing into San Francisco and San Pablo Bays, and the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville.

- Subsection 28.65(a) (which describes gear restrictions for fin fish) defines the area as San Francisco and San Pablo Bays between the Golden Gate Bridge and the west Carquinez Bridge, where only one line with not more than three hooks may be used.

The different definitions of the same geographic area cause confusion as to applicable method of take as well as which set of regulations apply to the waters being fished.

An angler is allowed to use any number of hooks and lines in ocean waters (Section 28.65). In Inland waters only one closely attended line with no more than three hooks may be used (Section 2.00). Under the current regulations, a person could argue that tidal portions of the Napa River were not Inland Waters and since subsection 28.65(a) did not include the tidal portions of river flowing into San Francisco and San Pablo Bays. Under this interpretation, they could use any number of lines and hooks to fish in the Napa River. This would restrict waters of San Francisco and San Pablo Bays to one line, then allow unlimited lines in the Napa River waters which were tidally influenced even though all inland waters are restricted to one line.

In addition, fishing regulations for Ocean Waters defined in Section 27.00 are different from Inland Waters as defined in Section 1.53. Since tidal influence cannot easily be determined, it is almost impossible to know which set of regulations apply in the tidally influenced waters. For instance is an undersized sturgeon caught in the Napa River a violation of Section 5.80 or Section 27.90?

To simplify the regulations and make these sections consistent, all three sections must use the same reference.

The proposal is to amend sections 27.00 and 1.53 to align with subsection 28.65(a) and remove the reference to tidal bays and tidal portions of rivers and streams from these two sections. As a result, inland waters will now include the tidal portions of rivers and streams flowing into San Francisco and San Pablo Bays which will be subject to the gear restrictions for inland waters where only one closely attended rod and line with no more than three hooks may be used.

Proposal: Amend Section 1.53, Inland Waters, and Section 27.00, Ocean and San Francisco Bay Definition

Amend the two regulations that define the San Francisco and San Pablo Bays to be consistent, reducing public confusion and enforcement issues. Remove

capitalized text before the note which is a printing error.

Fishing Contest Draw Dates

The current wording of subsection 230(b)(1)(A) designates specific dates for a drawing that is conducted annually by Department personnel to allocate Type A fishing contest permits in a fair manner. Dates are the second Friday of July for bodies of water north of the Tehachapi Mountains and the third Friday of July for waters south of the Tehachapi Mountains.

Specific designation of these dates can conflict with major fishing-related events that contest sponsors often need to attend (e.g., International Convention of Allied Sport fishing Trade – ICAST). Sponsors who must attend the ICAST show—an international conference of fishing gear manufacturers, media, and many others—cannot simultaneously attend the contest drawing, hindering the conflict resolution process for which the drawing is held.

The Department is proposing to amend the regulations to state that the contest drawings will be conducted in July and the dates will be determined by Department staff.

Proposal: Amend subsection (b)(1)(A) of Section 230, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish

Amend the regulations to change the current contest drawing dates to unspecified dates in July which will be determined by Department staff.

Minor Editorial Corrections for Clarity

In addition to the above proposals, minor editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Proposed Regulations

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

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

Authority: Sections 200, 202, 205, 215, 220, 240, 315, 316.5, and 2003, Fish and Game Code.

Reference: Sections 200, 205, 206, 215, 220 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 scheduled prior to the notice publication. The 45-day public notice comment period provides adequate time for review of the proposed changes.

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.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose 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 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 measures are needed.

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 is not anticipated to have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

(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:

The expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon and trout sport fishery 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.

VII. Economic Impact Assessment:

The proposed regulations will revise and update inland sport fishing regulations starting in 2016. Currently, the seasons, size limits, and bag and possession limits for sport fishing are periodically reviewed by the Department of Fish and Wildlife and the Commission. This set of amendments will clarify regulations for snagging, landlocked salmon, San Francisco and San Pablo Bay, Solano Lake, and reptiles, to reduce public confusion and improve regulatory enforcement. Additionally, this proposal will add a new fishing restriction to protect sturgeon, and increase fishing opportunities on the Sacramento River.

Inland sport fishing regulation's affected parties include recreational anglers, commercial passenger fishing vessels and a variety of businesses that support anglers. The economic impact of regulatory changes for sport fisheries are estimated by tracking resulting changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel

expenditures. Day trips and overnight trips involve different levels of spending for gas, food and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers that then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses. Recreational fisheries spending, thus multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

The adoption of scientifically-based regulations provides for the maintenance of sufficient populations of inland sport fish to ensure their continued existence and future sport fishing opportunities that in turn support businesses related to the fishery economy.

The most recent 2011 U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California reports about 1.35 million resident and nonresident inland sport fish anglers contributed about \$1.2 billion in trip and equipment expenditures to the State's economy. Adding the indirect and induced effects of this \$1.2 billion direct revenue contribution the total economic benefit to California's economy is estimated to be about \$2.03 billion. This corresponds with about \$960 million in total wages to Californians and about 16,000 jobs in the State annually.

This regulatory action may impact businesses that provide services to sport fishermen but these effects are anticipated to range from none to small positive impacts, depending on the regulations ultimately adopted by the Commission. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that sport fish in California may be positively affected to some degree from increases to business that may result under the range of proposed regulations. These anticipated impacts may vary by geographic location. Additionally, economic impacts to these same businesses may result from a number of factors unrelated to the proposed changes to inland sport fishing regulations, including weather, fuel prices, and success rates in other recreational fisheries that compete for angler trips.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The cumulative effects of the changes statewide are estimated to be neutral to job elimination and potentially positive to job creation in California. No significant changes in fishing effort and sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The cumulative effects of the changes statewide are expected to be neutral to business elimination and have potentially positive impacts to the creation of businesses in California. No significant changes in fishing effort and sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The cumulative effects of the changes statewide are expected to be neutral to positive to the expansion of businesses currently doing business in California. No significant changes in fishing effort and inland sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates benefits to the health and welfare of California residents. Trout and salmon are a nutritious food source and increasing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental health of its practitioners as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulations are not anticipated to impact worker safety conditions.

(f) Benefits of the Regulation to the State's Environment:

It is the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the inland waters under the jurisdiction and influence of the state for the benefit of all its citizens and to promote the development of local California fisheries. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use, taking into consideration the necessity of regulating

individual sport fishery bag limits in the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based inland trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

Informative Digest/Policy Statement Overview

This Department proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2015 Freshwater Sport Fishing Regulations Review Cycle. This proposal will clarify regulations for snagging, landlocked salmon, San Francisco and San Pablo Bays, Solano Lake, and reptiles, to reduce public confusion and improve regulatory enforcement. Additionally, this proposal will add a new fishing restriction to protect sturgeon, and increase fishing opportunities on the Sacramento River.

The Department is proposing the following changes to current regulations:

Snagging Definition

Subsection 2.00(b) would be amended to further define snagging. Currently, the snagging definition states that it is illegal to impale a fish in any part of its body **other than the mouth**. This makes it legal for anyone to keep a fish that has been hooked on the outside of the mouth, such as a hook that enters from the lower jaw into the mouth or nose into the mouth. The proposal is to reword the definition to say **other than inside the mouth**. Subsections 2.00(b) and (c), and Section 1.05 will need to be amended for consistency.

Proposal: Amend Section 1.05, Angling, and subsections (b) and (c) of Section 2.00, Fishing Methods - General

Amend the regulations to clarify that it is illegal to take a fish not hooked on the inside of the mouth.

Landlocked Salmon Definition

Current regulations incorporate kokanee (*Oncorhynchus nerka*) into the definition of "Trout," and stocked, landlocked Chinook salmon into the definition of "Salmon," which includes anadromous forms of salmon. Scientific evidence, including life history variation and behavioral differences, suggests the need for differing management strategies for these species. They should be separately defined and addressed in the freshwater sport fishing regulations. In addition, these new species definitions need to have associated bag and possession limits.

Proposal: Amend Section 1.86, Trout; Section 7.00, District General Regulations; add, sections 1.57 and 5.41, Landlocked Salmon

Create a new definition for landlocked salmon which will include kokanee and landlocked Chinook salmon. New daily bag and possession limits for landlocked salmon are proposed in a new Section 5.41. The new bag limit will be 5 fish and the possession limit will be 10 fish.

Amend the District General Regulations in Section 7.00 to revise the references to trout and salmon to just trout except for daily bag and possession limits which means the total number of trout or landlocked salmon in combination. This change is proposed to reduce public confusion with landlocked salmon versus anadromous salmon that are allowed only in the Section 7.50 Special Regulations since the General District Regulations has the take of anadromous salmon closed statewide.

Reptile Regulation Correction

A numbering error has been identified in Section 5.60, specifically subsections (b)10 through (b)14. The regulation incorrectly reads, "Species No. 9-13 have a limit of twenty-five (25) in the aggregate." It should read, "Species No. 10-14 have a limit of twenty-five (25) in the aggregate." Correcting the numbering mistake will alleviate confusion amongst sport fisherman and wildlife officers.

Proposal: Amend subsection (b) of Section 5.60, Reptiles

Correct the numbering errors in this section to reduce public confusion and enforcement issues.

Sturgeon Fishing Closure

Green sturgeon and white sturgeon (subadults and adults) are often stranded for long periods in the Yolo Bypass as well as the Toe Drain and Tule Canal upstream of Lisbon Weir. Some of those fish escape when environmental conditions change but others are rescued or succumb. Through catch-and-release, legal harvest, and poaching, anglers could take both species when stranded. The legal fishery on stranded fish is not sporting, reduces the benefit of rescue efforts, and reduces population spawning potential. Because green sturgeon is a threatened species and white sturgeon is a substantial management concern, addressing this issue is relatively urgent. Therefore, the Department is proposing to prohibit the take and possession of sturgeon in the Yolo Bypass as well as the Toe Drain and Tule Canal upstream of Lisbon Weir at any time.

Current regulations in subsection (d) of Section 5.80 state that a sturgeon must voluntarily take the bait or lure *in* its mouth. This language is proposed to be revised to read *inside* its mouth, to be consistent with proposed revisions to the snagging definition in Section 2.00.

Proposal: Add subsection (j) to Section 5.80 and amend subsection (d), White Sturgeon, Methods of take.

Prohibit fishing for sturgeon in the Yolo Bypass Flood Control System to protect green and white sturgeon.

Amend the regulations to clarify that it is illegal to take a fish not hooked on the inside of the mouth for alignment with the proposed snagging definition changes to Section 2.00.

Green Sturgeon Revision for Brevity

Take and possession of green sturgeon is prohibited by law. Section 5.81, Green Sturgeon, subsection (d) designates a special fishing closure for sturgeon in the Sierra and Valley District. This special fishing closure is also provided under Section 5.80, White Sturgeon. Because fishing for green sturgeon is prohibited, this regulation is not needed in the regulations for Green Sturgeon.

Proposal: Remove subsection (d) from Section 5.81, Green Sturgeon.

Fishing for green sturgeon is prohibited. Therefore, the special fishing closure regulation for sturgeon is not need in Section 5.81.

Red Bluff Diversion Dam

Current regulations restrict fishing from 500 feet upstream to 150 feet below Red Bluff Diversion Dam (RBDD). RBDD is no longer operated as an irrigation diversion so the current restrictions about fishing near a dam are no longer needed. Boaters, and recreationists, and fish are free to pass up and downstream of the area at will. The angling public is very interested in angling in the immediate vicinity of the RBDD now that it is no longer in operation and the Sacramento River is not impounded by its gates. The proposal is to allow shore and boat angling above and below RBDD on the Sacramento River.

Proposal: Amend Special Fishing Regulations subsection (b)(156.5), Sacramento River

Remove the current fishing restriction above and below RBDD on the Sacramento River to increase angling opportunities in Tehama County.

Solano Lake

The proposal is to add Solano Lake to Section 7.50, *Alphabetical List of Waters with Special Fishing Regulations*. The original intent was for Solano Lake to be included in the Putah Creek special fishing regulations. That regulation applies to the stream reach from Solano Lake to Monticello Dam and does not include Solano Lake. Therefore, a new subsection needs to be added to Section 7.50.

Proposal: Add subsection (b)(180.6), Solano Lake, to the Special Fishing Regulations

Add a new regulation for Solano Lake to the Special Fishing Regulations. The daily bag and possession limit will be 0 (zero).

San Francisco and San Pablo Bays Clarification

Currently there are three sections dealing with the Ocean and San Francisco Bay District which describe regulations in different manners causing confusion for anglers and making enforcement of the regulations more difficult:

- Section 27.00 defines the Ocean and San Francisco Bay District as waters of the

open coast and includes San Francisco and San Pablo Bays *“plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries”* between the Golden Gate Bridge and the Carquinez Bridge.

- Section 1.53 defines inland waters as all fresh, brackish and inland saline waters of the state, including lagoons and tidewaters upstream from the mouths of coastal rivers and streams. Inland waters exclude the waters of San Francisco and San Pablo Bays downstream from the Carquinez Bridge, the tidal portions of rivers and streams flowing into San Francisco and San Pablo Bays, and the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville.
- Section 28.65(a) (which describes gear restrictions for fin fish). Defines the area as San Francisco and San Pablo Bays between the Golden Gate Bridge and the west Carquinez Bridge, where only one line with not more than three hooks may be used.

The different definitions of the same geographic area cause confusion as to applicable method of take as well as which set of regulations apply to the waters being fished.

An angler is allowed to use any number of hooks and lines in the ocean waters (Section 28.65). In Inland waters only one closely attended line with no more than three hooks may be used (Section 2.00). Under current regulations, a person could argue that tidal portions of the Napa River were not Inland Waters and since Section 28.65(a) did not include the tidal portions of river flowing into San Francisco and San Pablo Bays. Under this interpretation, they could use any number of lines and hooks to fish in the Napa River. This would restrict waters of San Francisco and San Pablo Bay to one line, then allow unlimited lines in the Napa River waters which were tidally influenced even though all inland waters are restricted to one line.

In addition, fishing regulations for Ocean Waters defined in Section 27.00 are different from Inland Waters as defined in Section 1.53. Since tidal influence cannot easily be determined, it is almost impossible to know which set of regulations apply in the tidally influenced waters. For instance is an undersized sturgeon caught in the Napa River a violation of section 5.80 or Section 27.90?

To simplify the regulations and make all of the regulations consistent, all three sections must use the same reference.

The proposal is to amend sections 27.00 and 1.53 to align with Section 28.65(a) and remove the reference to tidal bays and tidal portions of rivers and streams from these two sections. As a result, inland waters will now include the tidal portions of rivers and streams flowing into San Francisco and San Pablo Bays which will be subject to the

gear restrictions for inland waters where only one closely attended rod and line with no more than three hooks may be used.

Proposal: Amend Section 1.53, Inland Waters, and Section 27.00, Ocean and San Francisco Bay Definition

Amend the two regulations that define the San Francisco and San Pablo Bays to be consistent, reducing public confusion and enforcement issues. Remove capitalized text before the note which is a printing error.

Fishing Contest Draw Dates

The current wording of subsection 230(b)(1)(A) designates specific dates for a drawing that is conducted annually by Department personnel to allocate Type A fishing contest permits in a fair manner. Dates are the second Friday of July for bodies of water north of the Tehachapi Mountains and the third Friday of July for waters south of the Tehachapi Mountains.

Specific designation of these dates can conflict with major fishing-related events that contest sponsors often need to attend (e.g., International Convention of Allied Sport fishing Trade – ICAST). Sponsors who must attend the ICAST show—an international conference of fishing gear manufacturers, media, and many others—cannot simultaneously attend the contest drawing, hindering the conflict resolution process for which the drawing is held.

The Department is proposing to amend the regulations to state that the contest drawings will be conducted in July and the dates will be determined by Department staff.

Proposal: Amend subsection (b)(1)(A) of Section 230, Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish

Amend the regulations to change the current contest drawing dates to unspecified dates in July which will be determined by Department staff.

Minor Editorial Corrections for Clarity

Additional editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Proposed Regulations

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objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.