

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Subsections (b)(5), (b)(68), and (b)(156.5) of Section 7.50,  
Title 14, California Code of Regulations  
Re: Alphabetical List of Waters with Special Fishing Regulations:  
Central Valley Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: September 24, 2014
- II. Date of Final Statement of Reasons: April 23, 2015
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: December 3, 2014  
Location: Van Nuys
  - (b) Discussion Hearing Date: February 11, 2015  
Location: Sacramento
  - (c) Discussion Hearing Date: April 8, 2015  
Location: Santa Rosa
  - (d) Adoption Hearing: Date: April 17, 2015  
Location: Teleconference

IV. Update:

With an optimistic forecast for Sacramento River fall-run Chinook salmon abundance in 2015, the PFMC is allowing for enhanced fishing opportunity in both marine and inland areas. Consequently, the Department is recommending that the standard regulation of a 2 salmon daily bag, 2 salmon in possession for the Sacramento River sport fishery be relaxed to allow for 4 salmon in possession. This measure will allow for incremental increase in Chinook harvest that is supported by higher abundance, but also enhanced fishery economic benefit by allowing anglers to engage in multi-day fishing trips, likely without risk of overexploitation in the river fishery. Protective regulations for federal Endangered Species Act (ESA)/California Endangered Species Act (CESA) listed Sacramento River winter-run and spring-run Chinook salmon will remain fully in force.

At the April 17, 2015 teleconference meeting, the Fish and Game Commission adopted the following bag and possession limits for Central Valley fall-run Chinook salmon in the American, Feather, and Sacramento rivers:

- (1) A daily bag limit of 2 Chinook salmon
- (2) A possession limit of 4 Chinook salmon

Sport fishing seasons for Central Valley fall-run Chinook salmon remain unchanged.

V. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

- (1) Comment by Robert Boucke, letter received March 9, 2015, and public testimony on April 8: Requests the salmon sport fishing season open on May 2, 2015 on the Feather River.

Response: This request is too late to be considered under this rulemaking package. The request could be problematic since there are fishery management issues, however, the Department will consider the proposal during the 2016/2017 inland sport fishing regulation cycle.

VI. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife  
1416 Ninth Street  
Sacramento, California 95814

VIII. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulatory Action:

No alternatives were identified.

- (b) No Change Alternative:

The no change alternative would leave existing regulations in place.

- (c) Consideration of Alternatives:

The Commission has rejected the no-change alternative because it is state policy to maintain consistency with federal and international law related to fisheries management, and the proposed regulations will allow

the state to harmonize its bag and possession limits with National Marine Fisheries Service regulations. In view of 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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

IX. 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 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:

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 minor variations in the bag and possession limits as may be established in the regulations are, by themselves, unlikely to impact business.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

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

- (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.

## Updated Informative Digest/Policy Statement Overview

The current sport fishing regulations allow for salmon fishing in the American, Feather and Sacramento rivers. The Department of Fish and Wildlife (Department) is proposing new Chinook salmon bag and possession limits in the American, Feather, and Sacramento rivers.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 2015 meeting and develop the final PFMC regulatory recommendations for adoption by the NMFS at their April 2015 meeting. Based on the action taken by the NMFS, the Department will propose specific bag and possession limits for the American, Feather, and Sacramento rivers which will:

- (1) align the inland salmon sport fishing possession limit with the ocean salmon sport fishing possession limit;
- (2) allow for additional harvest of salmon if low instream flow conditions persist due to the existing drought to reduce impacts to spawning habitat; and
- (3) increase or decrease the current salmon bag and possession limits based on the PFMC salmon abundance estimates and recommendations for ocean harvest for the coming season.

### Proposed Regulations

At this time, a range [shown in brackets] of bag and possession limits are proposed to continue salmon fishing in the American, Feather and Sacramento rivers. The proposed range of bag and possession limits for Central Valley fall-run Chinook salmon stocks are as follows:

In the American River subsections 7.50(b)(5):

- (A) and (D) a season of July 16 through December 31 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (B) a season of July 16 through August 15 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (C) a season of July 16 through October 31 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

Feather River, subsections 7.50(b)(68)

- (D) a season of July 16 through October 15 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

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

- (C) a season of August 6 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (E) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.
- (F) a season of July 16 through December 16 with a bag limit of [0-4] Chinook salmon and a possession limit of [0-8] Chinook salmon.

Benefits of the regulations

As set forth in Fish and Game Code section 1700 it is “the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state. This policy shall include [as applicable to inland fisheries] all of the following objectives:

- (a) The maintenance of sufficient populations of all species of aquatic organisms to insure their continued existence.
- (b) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.
- (c) The management, on a basis of adequate scientific information promptly promulgated for public scrutiny, of the fisheries under the state’s jurisdiction, and

the participation in the management of other fisheries in which California fishermen are engaged, with the objective of maximizing the sustained harvest.”

Adoption of scientifically-based Central Valley salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence. The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

#### Non-monetary benefits to the public

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.

#### Consistency with State and Federal Regulations

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state. (Fish & Game Code, §§ 200, 202, 205.) The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational fishing seasons, bag and possession limits. Further, the Commission has determined that the proposed regulations are neither incompatible nor inconsistent with existing federal regulations.

#### UPDATE

**With an optimistic forecast for Sacramento River fall-run Chinook salmon abundance in 2015, the PFMC is allowing for enhanced fishing opportunity in both marine and inland areas. Consequently, the Department is recommending that the standard regulation of a 2 salmon daily bag, 2 salmon in possession for the Sacramento River sport fishery be relaxed to allow for 4 salmon in possession. This measure will allow for incremental increase in Chinook harvest that is supported by higher abundance, but also enhanced fishery economic benefit by allowing anglers to engage in multi-day fishing trips, likely without risk of overexploitation in the river fishery. Protective regulations for ESA/CESA listed Sacramento River winter-run and spring-run Chinook salmon will remain fully in force.**

**At the April 17, 2015 teleconference meeting, the Fish and Game Commission adopted the following bag and possession limits for each subsection described in the Informative Digest for Central Valley fall-run Chinook salmon in the American, Feather, and Sacramento rivers:**

- (1) A daily bag limit of 2 Chinook salmon (unchanged from 2014-15 levels)**
- (2) A possession limit of 4 Chinook salmon**

**Sport fishing seasons for Central Valley fall-run Chinook salmon remain unchanged.**