

Regulatory Language

Section 8.01, Title 14, CCR is added to read:

Section 8.01. ~~Special Gear Provisions~~~~[Repealed]~~ Measures for Fisheries at Risk due to Drought Conditions.

(a) ~~In response to continued extreme drought conditions, the~~The commission has established a quick response process to temporarily close fisheries experiencing degraded environmental conditions that may affect fish populations or their habitat quality and or quantity or extremely low population size within waters of the state. The criteria set forth in subsections (b) and (c) are intended to ensure that fisheries are protected under critical environmental conditions ~~stemming from the drought~~. These criteria will be monitored in statewide inland fisheries, and they will be evaluated on a water by water basis over time as conditions change.

(b) The department may close to angling any waters of the state not currently listed in Section 8.00 of these regulations if the director, or his or her designee, finds one or more of the following conditions have been met:

(A) Water temperatures in occupied habitat exceed 70° Fahrenheit for over eight hours a day for three consecutive days

(B) Dissolved oxygen levels in occupied habitat drop below 5 mg/L for any period of time over ~~three~~two consecutive days.

(C) Fish passage is impeded or blocked for fish species that rely on migration as part of a life history trait.

(D) Water levels for ponds, lakes and reservoirs drop below 10% of their capacity.

(E) Adult breeding population levels are estimated to be below 50 individuals for a sub-population and 500 individuals for a standard population.

(c) Waters closed pursuant to subsection (b) shall be reopened by the department when the director, or his or her designee ~~finds all of the following conditions have been met:~~ determines the initial closure-based criteria are no longer met and water temperatures do not exceed 70° Fahrenheit for over eight hours a day for 14 consecutive days and dissolved oxygen remains above 5 mg/L for 14 consecutive days.

~~(A) Water temperatures in occupied habitat do not exceed 70° Fahrenheit over eight hours a day for seven consecutive days~~

~~(B) Dissolved oxygen levels in occupied habitat rise above 5 mg/L and are maintained at that level over seven consecutive days.~~

~~(C) Fish passage is available and no impediment exists to strand or concentrate adults or juveniles during their migration.~~

~~(D) Water levels for ponds, lakes and reservoirs have recovered to greater than 10% of their capacity.~~

~~(E) Adult breeding population levels are estimated to be recovered to greater than 500 individuals.~~

(d) It shall be unlawful to take fish in any waters of the state closed to angling pursuant to this Section.

(e) Notification of department actions.

(1) The department shall maintain a list of closed waters of the state and update that list on Wednesday of each week by 1:00 pm. In the event that water conditions change

later in the week, the fishing status for each specific water will not change until the day following the next Wednesday. It shall be the responsibility of the angler to use the telephone number provided below or go to the department's website at <https://www.wildlife.ca.gov/Regulations> to obtain the current status of any water. The number to call for information is (916) 445-7600.

Note: Authority cited: Sections 200, 202 ~~and 240~~, 205, 240, and 315, Fish and Game Code. Reference: Sections 200, 202, 205 ~~and 240~~, 240, and 315, Fish and Game Code.