

STAFF SUMMARY FOR AUGUST 4-5, 2015

24. SPORT FISH 2016**Today's Item**Information Action

Request for authorization to publish notice of intent to amend sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|---------------------------------|--------------------------------|
| • DFW's status report | Jun 10-11, 2015; Mammoth Lakes |
| • Today's notice hearing | Aug 4-5, 2015; Fortuna |
| • Discussion hearing | Oct 7-8, 2015; Los Angeles |
| • Adoption hearing | Dec 9-10, 2015; San Diego |

Background

DFW's proposal for this year's sport fish rulemaking combines DFW and public requests for changes to Title 14, CCR. This proposal will address:

- revise snagging definition for clarity and consistency,
- create a new definition for landlocked salmon and bag and possession limits for non-anadromous waters,
- create flexibility for black bass contest drawing dates,
- increase fishing opportunities around the de-commissioned Red Bluff Diversion Dam,
- close Yolo Bypass, Toe Drain, and Tule Canal to Sturgeon fishing to protect vulnerable fish, and
- general clean-up to clarify San Francisco and San Pablo bay boundaries, recognize Solano Lake in 7.50(b), and technical fixes to reptile and green sturgeon regulations

Significant Public Comments (N/A)**Recommendation**

FGC staff: Authorization to publish notice.

DFW: Authorization to publish notice.

Exhibits

1. [ISOR](#)
2. [DFW Presentation](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend Section 1.05, et al., add section 1.57, et al., and amend Section 5.81 related to sport fishing regulations for the 2016 season.

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, 7.00, 27.00, Subsections 2.00(b) and 2.00(c), 5.60(b),
7.50(b)(156.5) and 230(b)(1)(A); Add Sections 1.57 and 5.41, Subsections 5.80(j), and
7.50(b)(180.6); and Remove Subsection 5.81(d),
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.

DRAFT

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

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.

DRAFT

Regulatory Language

Section 1.05, Title 14, CCR, is amended as follows:

§ 1.05. Angling.

~~To~~ Angling means take of fish by hook and line with the line held in the hand, or with the line attached to a pole or rod held in the hand or closely attended in such manner that the fish voluntarily takes the bait or lure ~~in~~inside its mouth.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 2, 15, ~~200-202, 203.1, 205-210 and 215-222~~200, 202, 205, 206, 215 and 220, Fish and Game Code

Section 1.53, Title 14, CCR, is amended as follows:

§ 1.53. Inland Waters.

Inland waters are all the 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 west 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. Also see Section 27.00.

Note: Authority cited: Sections 200, 202, 205, 215 and 220, Fish and Game Code.
Reference: Sections 200, 202, 205, 206, 215 and 220, Fish and Game Code.

Section 1.57, Title 14, CCR, is added as follows:

§ 1.57. Landlocked Salmon.

Landlocked salmon includes kokanee and landlocked Chinook salmon.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200, 202, 205, 210, 215, and 220, Fish and Game Code.

Section 1.86, Title 14, CCR, is amended as follows:

§ 1.86. Trout.

~~Includes~~Trout includes all trouts, chars, steelhead, ~~kokanee salmon~~ and grayling.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections ~~200-202, 203.1, 205-210, 215-222 and 1725-1728~~200, 202, 205, 210, 215, 220, 1725, 1726, 1726.4, 1727, and 1728, Fish and Game Code.

Section 2.00, Title 14, CCR, is amended as follows:

§ 2.00. Fishing Methods - General.

(a) Except as otherwise authorized, all fish may be taken only by angling with one closely attended rod and line or one hand line with not more than three hooks nor more than three artificial lures (each lure may have three hooks attached) attached thereto. Anglers in possession of a valid two-rod stamp and anglers under 16 years of age may use up to two rods in inland waters which regulations provide for the taking of fish by angling, except those waters in which only artificial lures or barbless hooks may be used. See District Trout, Salmon and Special regulations for exceptions.

(b) Snagging is prohibited. Snagging is defined as impaling or attempting to impale a fish in any part of its body other than inside the mouth by use of a hook, hooks, gaff, or other mechanical implement. This definition does not include activities otherwise authorized under these regulations for the lawful use of a gaff, bow and arrow, or spear.

(c) It is unlawful to kill, or retain in possession any fish which has not voluntarily taken the bait or artificial lure inside its mouth. Any fish not taken pursuant to these regulations, shall be released immediately back into the water.

Note: Authority cited: Sections 200, 202, 205, 219, 220 and 7194.4, Fish and Game Code. Reference: Sections 200, 202, 206, 220 and 7149.4, Fish and Game Code.

Section 5.41, Title 14, CCR, is added as follows:

§ 5.41. Landlocked Salmon.

(a) Open season: All year.

(b) Daily bag limit: Five.

(c) Possession limit: Ten.

(d) Size limit: None.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code. Reference: Sections 200, 202, 205, 210, 215, and 220, Fish and Game Code.

Section 5.60, Title 14, CCR, is amended as follows:

§ 5.60. Reptiles.

(a) Only the following reptiles may be taken under the authority of a sportfishing license, subject to the restrictions in this section. No sportfishing license is required for the sport take of any rattlesnake, but bag and possession limits do apply. No reptiles shall be taken from ecological reserves designated by the commission in Section 630 or from state parks, or national parks or monuments.

(b) Limit: The limit for each of the species listed below is two, unless otherwise provided. Limit, as used in this section, means daily bag and possession limit.

(1) Painted turtle (*Chrysemys picta*): Limit: No limit.

(2) Slider Turtle (*Pseudemys (Trachemys) scripta*): Limit: No limit.

(3) Spiny softshell turtle (*Trionyx (Apalone) spiniferus (spinifera)*): Limit: No limit.

- (4) Western banded gecko (*Coleonyx variegatus*), except San Diego banded gecko (*Coleonyx variegatus abbotti*): See Special Closure (f)(1)
- (5) Desert iguana (*Dipsosaurus dorsalis*)
- (6) Chuckwalla (*Sauromalus obesus (ater)*)
- (7) Zebra-tailed lizard (*Callisaurus draconoides*)
- (8) Desert spiny lizard (*Sceloporus magister*)
- (9) Granite spiny lizard (*Sceloporus orcutti*)
- (10) Western fence lizard (*Sceloporus occidentalis*): Limit: Species No. ~~9-13~~10-14 have a limit of twenty-five (25) in the aggregate
- (11) Sagebrush lizard (*Sceloporus graciosus*): Limit: Species No. ~~9-13~~10-14 have a limit of twenty-five (25) in the aggregate
- (12) Side-blotched lizard (*Uta stansburiana*): Limit: Species No. ~~9-13~~10-14 have a limit of twenty-five (25) in the aggregate
- (13) Western skink (*Eumeces skiltonianus*): Limit: Species No. ~~9-13~~10-14 have a limit of twenty-five (25) in the aggregate
- (14) Desert night lizard (*Xantusia vigilis*), except *Xantusia vigilis sierrae*: See Special Closure (f)(2): Limit: Species No. ~~9-13~~in subsections (10) through (14) have a limit of twenty-five (25) in the aggregate
- (15) Long-tailed brush lizard (*Urosaurus graciosus*)
- (16) Tree lizard (*Urosaurus ornatus*)
- (17) Small-scaled lizard (*Urosaurus microscutatus*)
- (18) Desert horned lizard (*Phrynosoma platyrhinos*)
- (19) Short-horned lizard (*Phrynosoma douglassii*)
- (20) Great basin collared lizard (*Crotaphytus bicinctores*)
- (21) Banded rock lizard (*Petrosaurus mearnsi*)
- (22) Baja California collared lizard (*Crotaphytus vestigum*)
- (23) Long-nosed leopard lizard (*Gambelia wislizenii*)
- (24) Gilbert's skink (*Eumeces (Plestion) gilberti*)
- (25) Western whiptail (*Cnemidophorus (Apidoscelis) tigris*)
- (26) Southern alligator lizard (*Elgaria multicarinata*)
- (27) Northern alligator lizard (*Elgaria coerulea*)
- (28) Rubber boa (*Charina bottae*), **except** southern rubber boa (*Charina bottae umbratica*): See Special Closure (f)(3)
- (29) Rosy boa (*Lichanura trivirgata*)
- (30) Ringneck snake (*Diadophis punctatus*), except *Diadophis punctatus regalis*: See Special Closure (f)(4)
- (31) Sharp-tailed snakes (*Contia* spp.)
- (32) Spotted leaf-nosed snake (*Phyllorhynchus decurtatus*)
- (33) Racer (*Coluber constrictor*)
- (34) Coachwhip (*Masticophis (Coluber) flagellum*), **except** San Joaquin Coachwhip (*Masticophis flagellum ruddocki*): See Special Closure (f)(5)
- (35) Striped whipsnake (*Masticophis (Coluber) taeniatus*)
- (36) California whipsnake (striped racer) (*Masticophis (Coluber) lateralis*), except Alameda whipsnake (*Masticophis lateralis euryxanthus*): See Special Closure (f)(6)
- (37) Western (Desert) patch-nosed snake (*Salvadora hexalepis*), except *Salvadora*

- hexalepis virgultea*: See Special Closure (f)(7)
- (38) Glossy snake (*Arizona elegans*), except *Arizona elegans occidentalis*: See Special Closure (f)(8)
- (39) Gopher snake (*Pituophis melanoleucus*): Limit: Four (4)
- (40) Common kingsnake (*Lampropeltis getula*): Limit: Four (4)
- (41) California mountain kingsnake (*Lampropeltis zonata*), **except** San Diego mountain kingsnake (*Lampropeltis zonata pulchra*) and San Bernardino mountain kingsnake (*Lampropeltis zonata parvirubra*): Limit: One (1). See Special Closure: (f)(9)
- (42) Long-nosed snake (*Rhinocheilus lecontei*)
- (43) Common garter snake (*Thamnophis sirtalis*), **except** San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) and South Coast garter snake (*Thamnophis sirtalis* sp.): See Special Closure (f)(10)
- (44) Terrestrial garter snake (*Thamnophis elegans*)
- (45) Western aquatic (Sierra) garter snake (*Thamnophis couchii*)
- (46) Pacific coast aquatic garter snake (*Thamnophis atratus*)
- (47) Northwestern garter snake (*Thamnophis ordinoides*)
- (48) Checkered garter snake (*Thamnophis marcianus*)
- (49) Variable ground snake (*Sonora semiannulata*)
- (50) Western shovel-nosed snake (*Chionactis occipitalis*)
- (51) California (Western) black-headed snake (*Tantilla planiceps*)
- (52) Southwestern (Smith's) black-headed snake (*Tantilla hobartsmithi*)
- (53) Lyre snakes (*Trimorphodon biscutatus*)
- (54) Night snakes (*Hypsiglena* spp.)
- (55) Western blind snake (Southwestern threadsnake) (*Leptotyphlops (Rena) humilis*)
- (56) Western diamondback rattlesnake (*Crotalus atrox*)
- (57) Mojave rattlesnake (*Crotalus scutulatus*)
- (58) Western rattlesnakes (*Crotalus viridus (oreganus)* spp.)
- (59) Speckled rattlesnake (*Crotalus mitchelli*)
- (60) Sidewinders (*Crotalus cerastes* spp.)
- (61) Panamint rattlesnake (*Crotalus stephensi*)
- (62) Red diamond rattlesnake (*Crotalus ruber*): Limit: Zero (0)
- (c) Open season: All year.
- (d) Hours: Reptiles may be taken at any time of day or night.
- (e) Methods of take:
- (1) Reptiles may be taken only by hand, except as provided in subsections (e)(2) and (3) below, or by the following hand-operated devices:
- (A) Lizard nooses.
- (B) Snake tongs.
- (C) Snake hooks.
- (2) Rattlesnakes may be taken by any method.
- (3) Turtles may be taken by hook and line. Fishing methods described in Section 2.00 apply to the take of spiny softshell turtles, slider turtles and painted turtles.
- (4) It is unlawful to use any method or means of collecting that involves breaking apart of rocks, granite flakes, logs or other shelters in or under which reptiles may be found.
- (f) Special Closures:

- (1) No geckos (*Coleonyx variegatus*) may be taken in San Diego County south and west of Highway 79 to its junction with County Road S-2, and south and west of County Road S-2 to the eastern San Diego County border.
- (2) No rubber boas (*Charina bottae* or *Charina umbratica*) may be taken in Kern, Los Angeles, Riverside and San Bernardino counties.
- (3) No night lizards (*Xantusia vigilis*) may be taken in Kern County.
- (4) No ringneck snakes (*Diadophis punctatus*) may be taken in San Bernardino or Inyo counties.
- (5) No coachwhips (*Masticophis (Coluber) flagellum*) may be taken in the following counties: Alameda, Contra Costa, Fresno, Kern, Kings, Merced, Monterey, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Stanislaus, Tulare.
- (6) No California whipsnakes (striped racer) (*Masticophis (Coluber) lateralis*) may be taken in Alameda and Contra Costa counties.
- (7) No Western (desert) patch-nosed snakes (*Salvadora hexalepis*) may be taken in the following counties: Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.
- (8) No glossy snakes (*Arizona elegans*) may be taken in the following counties: Alameda, Fresno, Imperial (west of Hwy 111), Kern, Los Angeles, Riverside (southwest of Hwy 111 and I-10), San Benito, San Bernardino (West of I-215 and Hwy 138), San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara and Tulare.
- (9) No California mountain kingsnakes (*Lampropeltis zonata*) may be taken in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties.
- (10) No common garter snakes (*Thamnophis sirtalis*) may be taken in Los Angeles, Orange, Riverside, San Diego, and Ventura counties.

Note: Authority cited: Sections 200, 202, 205, 210, 219 and 220, Fish and Game Code.
Reference: Sections 200, 201, 202, 203.1, 205 and 220, Fish and Game Code.

Section 5.80, Title 14, CCR, is amended as follows:

§ 5.80. White Sturgeon.

- (a) Open season: All year, except for closures listed under special regulations.
- (b) Daily and annual bag limit: One fish per day. Three fish per year statewide.
- (c) Size limit: No fish less than 40 inches fork length or greater than 60 inches fork length may be taken or possessed.
- (d) Methods of take: Only one single point, single shank, barbless hook may be used on a line when taking sturgeon. The sturgeon must voluntarily take the bait or lure inside its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm or snare to take any sturgeon.
For the purposes of this section, a snare is a flexible loop made from any material that can be tightened like a noose around any part of the fish.
- (e) Removal from water. Any sturgeon greater than 68 inches fork length may not be removed from the water and shall be released immediately.
- (f) Report card required: Any person fishing for or taking sturgeon shall have in their

possession a nontransferable Sturgeon Fishing Report Card issued by the department and shall adhere to all reporting and tagging requirements for sturgeon defined in Sections 1.74 and 5.79, Title 14, CCR.

(g) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at any time.

(h) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.

(i) Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 (Shasta, Tehama, Butte and Glenn cos.).

(1) Sacramento River from Keswick Dam to the Highway 162 Bridge.

(A) It is unlawful to take any sturgeon.

(B) It is unlawful to use wire leaders.

(C) It is unlawful to use lamprey or any type of shrimp as bait.

(j) Special Yolo Bypass Flood Control System Sturgeon Closure. It is unlawful to take any sturgeon in the Yolo Bypass, Toe Drain Canal, and Tule Canal upstream of Lisbon Weir at any time.

Note: Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 5.81, Title 14, CCR, is amended as follows:

§ 5.81. Green Sturgeon.

(a) Green sturgeon may not be taken or possessed.

(b) Green sturgeon may not be removed from the water and shall be released immediately.

(c) Green sturgeon taken and released incidentally to white sturgeon fishing shall be reported on a Sturgeon Fishing Report Card issued by the department, in accordance with procedures defined in Sections 1.74 and 5.79, Title 14, CCR.

~~(d) Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 (Shasta, Tehama and Glenn cos.).~~

~~(1) Sacramento River from Keswick Dam to the Highway 162 Bridge.~~

~~(A) It is unlawful to take any sturgeon.~~

~~(B) It is unlawful to use wire leaders.~~

~~(C) It is unlawful to use lamprey or any type of shrimp as bait.~~

Note: Authority cited: Sections 200, 202, 205 and 220, Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 7.00, Title 14, CCR, is amended as follows:

§ 7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout and ~~salmon~~ fishing in subsections (a) through (g) below, are open to fishing for other species. Gear restrictions listed in this section apply to the take of all species of fish unless otherwise

noted. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout ~~and salmon~~ fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using legal fishing methods other than hook-and-line fishing, and saltwater clams, crabs, ghost shrimp, and blue mud shrimp (see Ocean Regulations Booklet Sections 29.20 to 29.87). Crabs may only be taken using hoop nets or by hand, and Dungeness crab may only be taken within the North Coast District and Sonoma and Mendocino counties.

Daily bag and possession limits, unless otherwise provided, mean the total number of trout ~~and/or landlocked~~ salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed. Coho (silver) salmon may not be taken in any of the waters of the State, except in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Incidentally hooked Coho (silver) salmon, except those in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam, must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout ~~or salmon~~ is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

These waters may also be subject to restrictions on fishing methods and gear (sections 2.00 through 2.45), fishing hours (section 3.00), and the use of bait (sections 4.00 through 4.30).

[Subsections (a) through (g) remain unchanged]

*Hatchery trout or steelhead have a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin present).

Note: Authority cited: Sections 200, 202, 205, 220 and 240, Fish and Game Code.

Reference: Sections 200, 205 and 206, Fish and Game Code.

§7.50. Alphabetical List of Waters with Special Fishing Regulations.

Subsection (b)(156.5) of Section 7.50, Title 14, CCR, is amended as follows:

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
-----------------------------	---	--

(156.5) Sacramento River and tributaries below Keswick Dam (Butte, Colusa, Contra Costa, Glenn, Sacramento, Solano, Sutter, Tehama and Yolo Cos.).	Also see Sierra District General Regulations (See Section 7.00(b)).	
(A) Sacramento River from Keswick Dam to 650 feet below Keswick Dam.	Closed to all fishing all year.	
(B) Sacramento River: 1. from 650 feet below Keswick Dam to the Highway 44 bridge.	Closed to all fishing from April 24 through July 31.	
	August 1 through December 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
2. from the Highway 44 bridge to the Deschutes Road bridge.	All year. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
(C) Sacramento River from the Deschutes Road bridge to 500 feet upstream from the Red Bluff Diversion Dam.	Jan. 1 through July 31.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
	Aug. 1 through Dec. 16.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession 2 Chinook salmon 4 Chinook salmon in possession

	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
(D) Sacramento River from 500 feet upstream from Red Bluff Diversion Dam to 150 feet below the Lower Red Bluff (Sycamore) Boat Ramp.	Closed to all fishing all year.	
(E) Sacramento River from 150 feet below the Lower Red Bluff (Sycamore) Boat Ramp to the Red Bluff Diversion Dam to the Hwy 113 bridge near Knights Landing. Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Moulton, Colusa and Tisdale Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession 2 Chinook salmon 4 Chinook salmon in possession
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession

(FE) Sacramento River from the Hwy 113 bridge near Knights Landing to the Carquinez Bridge (includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160). Note: It is unlawful to take fish 0-250 feet downstream from the overflow side of the Fremont and Sacramento Weirs.	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession 2 Chinook salmon 4 Chinook salmon in possession
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead** 4 hatchery trout or hatchery steelhead** in possession

Subsection (b)(180.6) is added to Section 7.50, Title 14, CCR, as follows:

<i>Body of Water</i>	<i>Open Season and Special Regulations</i>	<i>Daily Bag and Possession Limit</i>
<u>(180.6) Solano Lake (Solano County).</u>	<u>All year. Only artificial lures and barbless hooks may be used.</u>	<u>0</u>

* Wild Chinook salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 215 and 316.5, Fish and Game Code.

Section 27.00, Title 14, CCR, is amended as follows:

§ 27.00. Definition.

The Ocean and San Francisco Bay District consists of the open seas adjacent to the coast and islands or in the waters of those open or enclosed bays contiguous to the ocean, and including San Francisco and San Pablo bays ~~plus all their tidal bays, tidal portions of their rivers and streams, sloughs and estuaries between Golden Gate Bridge and the west Carquinez Bridge, and the waters of Elkhorn Slough, west of Elkhorn Road between Castroville and Watsonville.~~ Also see Section 1.53.

~~FIN FISH - MINIMUM SIZE LIMITS, BAG AND POSSESSION LIMITS AND SEASONS~~

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

Reference: Sections 200, 202, 205, 206, 215 and 220, Fish and Game Code.

Section 230, Title 14, CCR, is amended as follows:

§ 230. Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish.

[No changes to subsection (a)]

(b) Issuance of Permits.

(1) Revocable permits to conduct fishing contests (including tournaments, derbies or tagged fish contests) may be issued by the department to any person (as defined by section 67, Fish and Game Code) authorizing the permittee to offer prizes or other inducements for the taking of game fish. The department shall issue such permits if it determines the proposed contest(s) would not be detrimental to the resource. For the purposes of this section, game fish are defined as the following: white sturgeon and green sturgeon; American shad; salmon and trout -all species; goldfish; common carp; hardhead; Sacramento squawfish; western sucker; catfish and bullheads -all species; striped bass; white bass; black bass and sunfish -all species; tilapia -all species; sargo; bairdiella; and orangemouth corvina. Procedures for issuing event permits for black bass fishing contests are specified in subsections (A) through (D), below:

(A) A random drawing will be conducted by department personnel to issue Type A permits for black bass fishing contests during July of the year preceding the contest date. ~~Drawings will be conducted 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.~~ Dates will be determined by departmental staff. Applications will not be accepted prior to July 1 of the year preceding the calendar year in which a contest is proposed.

(B) Applicants may submit a completed application(s) (including appropriate fees) to the appropriate department office (see Section 230(b)(2)) or attend the random drawings in person. Applications received prior to the random drawings must be prioritized by the applicant and if not, will be drawn in chronological order based on the contest date. Prior to the drawing, a random number will be assigned to each applicant in attendance and to each group of applications submitted by an individual not in attendance. A series

of random drawings of the assigned numbers will be conducted by department personnel and one application accepted for each number drawn. Only one application shall be accepted from each applicant during each consecutive round of the drawing process. Rounds of drawings will be conducted until all applications have been accepted, or there are no more available dates for a given body of water, whichever occurs first.

(C) Immediately following the drawing(s), the fees for all successful applications not already submitted must be paid to the department.

(D) Permits for applications received after the drawings will be issued in chronological order of receipt, subject to availability.

(2) Application shall be made on a standard form provided by the department (APPLICATION FOR PERMIT TO OFFER PRIZES FOR TAKING GAME FISH, FG 775 (Rev. 11/98)), which is incorporated by reference herein), and shall include the name of the sponsor, if any, and the name and address of the applicant, the telephone number where the applicant can be reached, and for each contest: the location and date of the event, total value of the prizes, and expected number of participants. The application must be signed by the applicant. Applications for Type B contests should be submitted to the regional office (see map and addresses of Regional offices attached to application form FG 775 (Rev. 11/98)) nearest to the applicant. Applications for Type A permits must be submitted to the department regional office for the region where the contest(s) is proposed.

(3) The application shall be submitted to the department at least 30 days prior to the proposed contest(s).

(4) Applications will not be accepted prior to July 1 of the year preceding the calendar year in which any contest is proposed.

(5) The department will consider requests for adjustments to approved Type A contest dates, if such requests are received by the issuing regional office not later than 30 days prior to the contest date to be changed.

(6) Permits are not transferable.

(7) Event and Annual Permits.

(A) An Event Permit will be issued for each Type A contest (see subsection 230(a)(1)).

(B) An Annual Permit will be issued on a calendar year basis to cover all Type B Contests (see subsection 230(a)(2)) proposed for that year.

(8) Cost of permit: See subsection 699(b) of these regulations for the fee for this permit.

[No changes to subsections (c) through (h)]

Note: Authority: Sections 1050 and 2003, Fish and Game Code.

Reference: Sections 711, 713, 1050 and 2003, Fish and Game Code.

2015 Proposed Freshwater Sport Fishing Regulations Changes



**Fish and Game Commission Meeting
August 5, 2015
Stafford Lehr, Chief
Fisheries Branch**



Overview

- Snagging definition
- Landlocked salmon definition
- Contest drawing dates for black bass
- Fishing at Red Bluff Diversion Dam
- Sturgeon fishing closure
- General clean-up

Snagging

- Revise Snagging definition
 - Currently defined as impaling a fish in any part of its body ***other than the mouth***
 - Reword definition to ***other than “inside” the mouth***
 - Amend sections 2.00(b) and (c), 1.05, and 5.80 for consistency

Landlocked Salmon Definition

- Create a new definition for “landlocked salmon”
- Kokanee and Chinook salmon found in non-anadromous waters
- Species require differing management strategies
- 5 fish daily bag; 10 fish in possession

Contest Drawing Dates

- 230(b)(1)(A) designates exact dates for a drawing to allocate permits for black bass fishing contests
- Dates can conflict with major fishing-related events
- Change drawings to unspecified dates in July

Allow Fishing Near Red Bluff Diversion Dam

- Above and below RBDD
- Boat and shore angling
- Dam is no longer in operation
- Area has limited shore angling
- Increase fishing opportunities

Sturgeon Fishing Closure

- Yolo Bypass, Toe Drain and Tule Canal
 - Fish are stranded for long-periods of time
 - Substantial harvest when fish are stranded
 - Fishing on stranded fish is “un-sporting”
 - Green and white sturgeon present

General Clean-up

- Revise Title 14 sections that define SF and Pablo bays differently
- Add Solano Lake to 7.50(b)
- Reptile regulation correction
- Green sturgeon regulation correction

Questions / Thank You

