

STAFF SUMMARY FOR DECEMBER 9-10, 2015

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

Certify the negative declaration pursuant to the California Environmental Quality Act (CEQA) and adopt the proposed changes to sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|-----------------------------------|----------------------------------|
| • DFW's status report | Jun 10-11, 2015; Mammoth Lakes |
| • Notice hearing | Aug 4-5, 2015; Fortuna |
| • Discussion hearing | Oct 7-8, 2015; Los Angeles |
| • Today's 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:

- revises snagging definition for clarity and consistency,
- creates a new definition for landlocked salmon and bag and possession limits for non-anadromous waters,
- creates flexibility for black bass contest drawing dates,
- increases fishing opportunities around the de-commissioned Red Bluff Diversion Dam,
- closes Yolo Bypass, Toe Drain, and Tule Canal to sturgeon fishing to protect vulnerable fish, and
- makes 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

Pursuant to CEQA, based on the initial study the proposed project will have a less than significant or no impact on the environment, supporting a negative declaration.

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

1. Certify CEQA negative declaration.
2. Adopt regulations as proposed by DFW.

Exhibits

1. [DFW presentation](#)
2. [Negative declaration](#)
3. [ISOR](#)
4. [Preadopt statement](#)

STAFF SUMMARY FOR DECEMBER 9-10, 2015

Motion/Direction

Moved by _____ and seconded by _____ that the Commission certifies the negative declaration, adopts the proposed project, and adopts the proposed changes to freshwater sport fishing regulations.

2015 Proposed Freshwater Sport Fishing Regulations Changes



**Fish and Game Commission Meeting
December 10, 2015
Stafford Lehr
Fisheries Branch**



Overview

- Revise snagging definition
- Add new landlocked salmon definition
- Change contest drawing dates for black bass
- Allow fishing at Red Bluff Diversion Dam
- Impose sturgeon fishing closure at yolo bypass
- General clean-up

Questions / Thank You



**STATE OF CALIFORNIA
NATURAL RESOURCES AGENCY
DEPARTMENT OF FISH AND WILDLIFE
NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
FRESHWATER SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Prepared by:

**California Department of Fish and Wildlife
Fisheries Branch**

**This Report Has Been Prepared Pursuant to the
California Environmental Quality Act of 1970
State of California
Natural Resources Agency
Department of Fish and Wildlife**

**INITIAL STUDY AND NEGATIVE DECLARATION
FOR
PROPOSED AMENDMENTS
TO
FRESHWATER SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

The Project

The Department of Fish and Wildlife proposes to amend a variety of freshwater sport fishing regulations as set forth in Title 14 of the California Code of Regulations. As compared to existing regulations, the proposed project would amend regulations for snagging, landlocked salmon, San Francisco and San Pablo Bays, and Solano Lake. The proposed regulatory changes are needed for clarification purposes to reduce public confusion and improve regulatory enforcement. Additionally, the proposed project will add a new fishing restriction to protect sturgeon and increase fishing opportunities on the Sacramento River.

The Findings

The project will have a less than significant impact on biological resources, greenhouse gas emissions, recreation, and transportation/traffic. The project will have no impact to aesthetics, agriculture and forest resources, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, and utilities and service systems.

Basis of the Findings

Based on the initial study, the Department finds that implementing the proposed project will have a less than significant to no impact on the environment. Therefore, a negative declaration is filed pursuant to the California Environmental Quality Act, Public Resource Code Section 21080 (c2).

This proposed negative declaration consists of the following:

- Introduction – Project Description and Background Information on the Proposed Amendments to Freshwater Sport Fishing Regulations
- Initial Study Environmental Checklist Form
- Explanation of the Response to the Initial Study Environmental Checklist Form

**PROJECT DESCRIPTION AND BACKGROUND INFORMATION
FOR
PROPOSED AMENDMENTS
TO
FRESHWATER SPORT FISHING REGULATIONS
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

Introduction

Annually, the Department of Fish and Wildlife (Department) recommends sport fishing regulations to the Fish and Game Commission (Commission). Both the Department and the Commission have the authority to regulate fisheries (Fish and Game Code, Section 1700) in addition to the Department's public trust responsibility to protect and conserve California's natural resources.

Project goals and objectives

The goal of this project is to amend selected freshwater sport fishing regulations in furtherance of the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.

Fish and Game Code, Section 1700 declares the state's policy is to encourage the conservation, maintenance and utilization of California's aquatic resources. This section includes the following objectives:

1. Maintain sufficient populations of all aquatic species to ensure their continued existence.
2. Maintain sufficient resources to support a reasonable sport use.
3. Manage using best available science and public input.

Background

Annually, the Department considers amendments to sport fishing regulations. Recommendations for changes come from Department staff, the public, the Commission, Fish and Game Advisory Commissions, and local governments. Recommendations are evaluated within the appropriate Department Region and by the statewide Fisheries Management Committee. If the proposed regulation change passes evaluation, the Department prepares a regulation change recommendation for the Commission to consider. Through a series of Commission meetings, the public has the opportunity to comment on the proposed regulation change. At the end of this public process, the Commission may add, amend, or repeal regulations related to the proposed regulation change. The Commission most recently adopted amendments to the sport fishing regulations in December 2014.

Project Location

Sport fishing addressed by this environmental document occurs in the inland waters of California. The inland waters of California are divided into seven sport fishing districts,

the North Coast, North Central, South Central, Southern, Valley, Sierra, and Colorado River districts. These districts are shown in the map below.

CALIFORNIA SPORT FISHING DISTRICTS



Schedule

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described below will go into effect March 1, 2016.

Project Description

The proposed project includes both Department and public recommendations for amendments to freshwater sport fishing regulations set forth in Title 14 of the California Code of Regulations (CCR). The proposed amendments would modify existing sport fishing regulations as follows:

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

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

ENVIRONMENTAL CHECKLIST FORM

1. Project Title:
Proposed Amendments to Freshwater Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
830 S Street
Sacramento, CA 95811
3. Contact Person and Phone Number:
Karen Mitchell, (916) 445-0826
4. Project Location:
Inland waters of the State of California
5. Project Sponsor's Name and Address:
California Department of Fish and Wildlife
Fisheries Branch
830 S Street
Sacramento, CA 95811
6. General Plan designation:
N/A (statewide)
7. Zoning:
N/A (statewide)
8. Description of Project:
Amend selected freshwater sport fishing regulations to maintain consistency with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.
9. Surrounding land uses and setting:
N/A
10. Other Public Agencies Whose Approval Is Required:
None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology/Soils
<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials	<input type="checkbox"/>	Hydrology/Water Quality
<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Noise
<input type="checkbox"/>	Population/Housing	<input type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Transportation/Traffic	<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Mandatory Findings of Significance

This project will not have a "Potential Significant Impact" on any of the environmental factors listed above; therefore, no boxes are checked.

DETERMINATION:

On the basis of this initial evaluation:

<input checked="" type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION , including revisions or mitigation

measures that are imposed upon the proposed project, nothing further is required.



Stafford Lehr, Chief, Fisheries Branch

10/26/15

Date

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
I. AESTHETICS: Would the project:				
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES: Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS: Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. GREENHOUSE GAS EMISSIONS:				
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. HYDROLOGY AND WATER QUALITY: Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
result of the failure of a levee or dam?				
j) Inundation by seiche, tsunami, or mudflow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING: Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. MINERAL RESOURCES: Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XII. NOISE: Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. POPULATION AND HOUSING:				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. PUBLIC SERVICES:				

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. RECREATION:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. TRANSPORTATION/TRAFFIC:				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

EXPLANATION OF RESPONSES TO INITIAL STUDY ENVIRONMENTAL CHECKLIST

I. AESTHETICS

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade the existing visual character or quality of the work sites and their surroundings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. Anglers will drive vehicles to and from the Sacramento River near the Red Bluff Diversion Dam during the year-round angling season. Some of this traffic may occasionally occur before sunrise or after sunset. However, this transient traffic is in a sparsely populated area and will not constitute a new source of substantial light or glare that will affect day or nighttime views in the area.

II. AGRICULTURE RESOURCES

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.

III. AIR QUALITY

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- b) The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). Such an impact will not occur because the project involves no ongoing sources of air pollution.
- d) The project will not expose sensitive receptors to substantial pollutant concentrations. Such an impact will not occur because the project will not increase pollutant concentrations.
- e) The project will not create objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the CDFW, National Marine Fisheries Service (NMFS) or U. S. Fish and Wildlife Service (USFWS).

The proposal to open the section of the Sacramento River above and below the Red Bluff Diversion Dam to shore and boat angling will not directly or indirectly affect candidate, sensitive, or special-status species. The project would open up approximately 650 feet, less than one-eighth of a mile, of the Sacramento River to shore and boat angling year-round. Although state and federally-listed Central Valley steelhead and winter-run Chinook salmon use this section of river during their adult spawning migration and during juvenile emigration to the ocean, existing sport fishing regulations prohibit take of these species.

- b) The project will not have an adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies and regulations, or by the CDFW or the USFWS. Such an impact will not occur because the project will not involve any construction, land alternation, or land use changes.
- c) The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project will not result in any construction, land alteration, or land use changes.
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

V. CULTURAL RESOURCES

- a) The project will not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. There is no ground disturbing work and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. There is not ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not directly or indirectly destroy any unique paleontological resources or sites, or unique geologic features. There is no ground disturbing work and thus no potential to affect paleontological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

VI. GEOLOGY AND SOILS

- a i) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not involve ground disturbing work.
- a ii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not involve ground disturbing work.
- a iii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not involve ground disturbing work.
- a iv) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not involve ground disturbing work.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve ground disturbing work.
- c) The project will not be located on a geologic unit or soil that unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve ground disturbing work.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property. Such an impact will not occur because the project will not involve ground disturbing work.
- e) The project will not create any sources of waste water requiring a septic system

VII. GREENHOUSE GAS EMISSIONS

- a. The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. The project will not involve any construction, land alternation, or land use changes. Vehicles that use fuel will be used to access the Sacramento River near the Red Bluff Diversion Dam during the year-round angling season, and their internal combustion engines will produce some emissions. However, only approximately 650 feet of river would be open to shore and boat angling and only the east side of the river is accessible by the public.

As a result, the number of additional angler trips will most likely be low. Thus, the impact of greenhouse gas (GHG) emissions produced by the use of vehicles will be negligible.

- b. The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The impacts of GHG produced by the use of vehicles to and from the Sacramento River during the angling season will be negligible.

VIII. HAZARDS AND HAZARDOUS MATERIALS

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or disposal of hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not be located within the vicinity of a private airstrip.
- g) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- h) The project will not expose people or structures to a significant risk of loss, injury, or death involving wild land fires. The project will not involve any construction, land alteration, or land use changes.

IX. HYDROLOGY AND WATER QUALITY

- a) The project will not violate any water quality standards or waste discharge requirements. The project will not involve any construction, land alteration, water use, or water discharge.

- b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The project will not involve any construction, land alteration, or groundwater use.
- c) The project will not substantially alter the existing drainage pattern of the work sites in a manner that would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- d) The project will not substantially alter the existing drainage pattern of the work sites, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- e) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- f) The project will not substantially degrade water quality. The project will not involve any construction or land alteration, and thus will not have any adverse impacts on water quality.
- g) The project will not place housing within a 100-year flood hazard area as mapped on any flood hazard delineation map. No housing will be created as part of this project.
- h) The project will not place within a 100-year flood hazard area structures which would significantly impede or redirect flood flows. No new structures will be associated with this project.
- i) The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam. The project will not involve any construction, land alteration, or land use changes.
- j) The project will not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow. The project will not involve any construction, land alteration, or land use changes.

X. LAND USE AND PLANNING

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.

- b) The project does not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.
- c) The project will not conflict with any Habitat Conservation or Natural Community Conservation plan. The project will not involve any construction, land alteration, or land use changes.

XI. MINERAL RESOURCES

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

XII. NOISE

- a) The project will not result in exposure of persons to, or generation of noise levels in excess of, standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project will not involve construction or physical alteration of land, and its implementation will not generate noise levels in excess of agency standards.
- b) The project will not result in exposure of persons to, or generation of, excessive ground-borne vibration or ground-borne noise levels. The project will not involve construction or physical alteration of land.
- c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity. The project will not involve construction or physical alteration of land, or the creation of any permanent noise sources.
- d) The project will not result in a substantial temporary, or periodic, increase in ambient noise levels in the project vicinity above levels existing without the project. The project will not involve construction or physical alteration of land.
- e) The project will not be located within an airport use plan or within two miles of a public airport or public use airport.
- f) The project will not be located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING

- a) The project will not induce substantial population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing housing and will not necessitate the construction of replacement housing elsewhere.
- c) The project will not displace any people and will not necessitate the construction of replacement housing elsewhere.

XIV. PUBLIC SERVICES

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

XV. RECREATION

- a) The increase of the use of existing neighborhood and regional parks, or other recreational facilities will be less than significant due to project implementation. The project will open approximately 650 feet of the Sacramento River to shore and boat angling during the year-round angling season. The Forest Service owns a boat ramp and campground up and downstream of Red Bluff Diver Dam on the east side which is currently open to the public. Also, the public already is allowed to walk, swim, walk dogs, etc. in these areas, just not fish in them legally. The number of additional anglers that may take advantage of the new recreational angling opportunity on the Sacramento River is unknown. However, because only 650 feet, less than one-eighth of a mile, of additional shoreline and river would be accessible, an increase in use of existing recreational facilities would be minimal. Thus, the project will not produce a significant amount of recreation.
- b) The project will not involve any construction, land alternation, or land use changes. There will be no construction or expansion of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC

- a) The project may increase transportation to the Sacramento River near the Red Bluff Diversion Dam due to the addition of 650 feet of river and shoreline (on the east bank of the river only) available to anglers during the year-round angling season; however, the project will have a less than significant impact on any applicable plans, ordinances or policies that establish measures of effectiveness for the performance of the circulation systems. The number of anglers that may take advantage of the new recreational angling opportunity on the Sacramento River during the year-round angling season is unknown, but because only 650 feet of additional river and

shoreline would be accessible, angling pressure would most likely be minimal and sporadic. Thus, the project will not produce a significant amount of traffic.

- b) The project will not conflict, either individually or cumulatively, with any applicable congestion program established by the county congestion management agency for designated roads or highways. Such an impact will not occur because the section of the Sacramento River proposed to open to angling will not result in a significant amount of traffic in the project area.
- c) The project will not result in any change in air traffic patterns.
- d) The project will not alter terrestrial features or is incompatible with uses of equipment.
- e) The project will not result in inadequate emergency access. The project does not involve construction.
- f) The project will not significantly affect parking capacity or demand for parking.

XVII. UTILITIES AND SERVICE SYSTEMS

- a) The project will not produce wastewater.
- b) The project will not require, or result in the construction of, new water or wastewater treatment facilities or expansion of existing facilities. Such an impact will not occur because the project will not produce wastewater.
- c) The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities.
- d) The project will have sufficient water supplies available to serve the project from existing entitlements and resources.
- e) The project will not produce wastewater.
- f) The project will not generate solid waste requiring disposal in a landfill.
- g) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local statutes related to solid waste.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered

plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value, their use and for the public's enjoyment.

- b) The project does not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project does not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.

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.

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.

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 ~~in~~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:

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
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(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

PROPOSED

(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.

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Subject: December Sportfish PreAdopt Assesement
Date: Monday, November 23, 2015 11:02:51 AM

Hi Sonke:

There are no significant comments or any additional changes for the December adoption of the proposed amendments to Sections 1.05, 1.53, 1.57, 1.86, 2.00, 5.41, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.00, and 230, Title 14, California Code of Regulations, Re: Freshwater Sport Fishing Regulations.

This e-mail is instead of a Preadopt statement or memo pursuant to RU procedures.

Scott

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CDFW Regulations Unit
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