

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

Amend Section 7.00
Title 14, California Code of Regulations
Re: Inland Salmon Sport Fishing Regulations

- I. Date of Initial Statement of Reasons: January 7, 2003
- II. Date of Pre-adoption Statement of Reasons: April 8, 2003
- III. Date of Final Statement of Reasons: May 13, 2003
- IV. Dates and Locations of Scheduled Hearings:

- (a) Notice Hearing: Date: February 7, 2003
Location: Sacramento

- (b) Discussion Hearing: Date: April 4, 2003
Location: Visalia

- (c) Adoption Hearing: Date: May 8, 2003
Location: Riverside

- V. Update:

No modifications were made to the originally proposed language of the Initial Statement of Reasons.

The Commission adopted the proposed changes at its May 8, 2003 meeting.

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

- 1. **Eric See, Department of Water Resources, April 3, 2003, electronic mail.**

Supported the proposed regulation change that would allow anglers to legally pursue and keep coho salmon in Lake Oroville. The harvest of hatchery-origin coho in Lake Oroville, an artificial impoundment, would have no effect on wild or special status coho salmon.

Department Response: The Department acknowledges this comment of support.

2. Paul Weakland, May 8, 2003, oral testimony.

Opposed stocking domestic coho in Lake Oroville because it's "not nice to fool with Mother Nature".

Department Response: The proposed action allows for the harvest of a domestic strain of coho salmon that are already present in Lake Oroville. This proposal does not address fishery management strategies for stocking coho in Lake Oroville.

Responses to public comments were also included in the Pre-adoption Statement of Reasons (see attached).

VII. Location and Index of Rulemaking File:

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

VIII. Location of Department files:

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

IX. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change: None was identified.
- (b) No Change Alternative: The changes are necessary to clarify the regulations and to eliminate needless restrictions.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. 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 Businessmen to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states. The changes are primarily for clarification, and they will have no substantial influence on human activities.

- (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: None.
- (c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person 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) Other 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: None.
- (h) Effect on Housing Costs: None.

Updated Informative Digest/Policy Statement Overview

Current regulations prohibit the take of silver (coho) salmon in any waters of the State. The intent of this regulation is to protect federally Threatened coho salmon in native anadromous waters. The current regulation inadvertently prohibits the take of a domestic strain of coho salmon stocked in Lake Oroville under the management of the Department's Inland Salmon Program. This program provides for enhanced trout-type fisheries in selected lakes and reservoirs. Lake Oroville, has been recently stocked with a domesticated strain of coho salmon that are resistant to a disease that has affected other salmonids stocked in the lake. Coho salmon are expected to provide quality fishing opportunities in Lake Oroville not achievable with other salmonid species. No other lakes or reservoirs within the State currently contain stocked domestic coho salmon

The Department is proposing to amend Section 7.00 to clarify that coho salmon may not be taken from any water of the State, except Lake Oroville. This proposed regulation change would have no effect on current protections or recovery efforts of coho salmon in native habitats throughout the State.

The Commission adopted the proposed regulations as proposed without changes.

The first paragraph of Section 7.00, Title 14, CCR, is amended to read:

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. 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 using fishing methods other than hook-and-line fishing which are allowed for bullfrogs (see Section 5.05) freshwater clams (see Section 5.20) crayfish (see Section 5.35), and lamprey (see Section 5.40). Daily bag and possession limits, unless otherwise provided, mean the total number of trout and salmon in combination. Unless otherwise provided, no more than one daily bag limit may be possessed. Silver (coho) salmon may not be taken in any of the waters of the State, except in Lake Oroville. Incidentally hooked Silver (coho) salmon, except those in Lake Oroville, 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.

NOTE:

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

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