

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

Amend subsections (b)(1) and (d)(2) of Section 7.00
and subsections (b)(5), (b)(6), (b)(12.5), (b)(14), (b)(18.5), (b)(20), (b)(32), (b)(43.5),
(b)(56), (b)(59.5), (b)(60), (b)(68), (b)(118), (b)(119), (b)(124), (b)(129), (b)(156),
(b)(168.5), (b)(186), (b)(198), and (b)(212) of Section 7.50
Title 14, California Code of Regulations
Re: Central Valley Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: December 19, 2008
- II. Date of Pre-adoption Statement of Reasons: April 10, 2009
- III. Date of Final Statement of Reasons: April 27, 2009
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: February 5, 2009
Location: Sacramento, CA
 - (b) Discussion Hearing: Date: March 4, 2009
Location: Woodland, CA
 - (c) Discussion Hearing: Date: April 9, 2009
Location: Lodi, CA
 - (d) Adoption Hearing: Date: April 21, 2009
Location: Teleconference
- V. Update:

The proposed changes from the Initial Statement of Reasons (ISOR) regulatory language in response to the Department's recommendation for a hybrid Option 3 as follows:

1. Sacramento River from Lower Red Bluff Boat Ramp to Knights Landing will open to salmon fishing from November 16, 2009 to December 31, 2009.
2. The daily bag limit will be one salmon.
3. The possession limit will be one salmon.
4. No take and possession of salmon in the areas closed to salmon fishing to stop any catch and release fishing.

The Fish and Game Commission adopted the hybrid Option 3 at its April 21, 2009 teleconference.

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

(1) Chris Hobbs, two e-mails dated March 4, 2009 and April 7, 2009:

- a. He requests that the Feather and Sacramento rivers open up for salmon fishing in 2009 for one fish per day or catch and release fishing.
- b. He supports the Commission Option 2 with a 1 or 2 fish bag limit.

Response:

- a. The Department's recommended season will provide a one fish per day bag limit in the same area as in 2008 for two fewer weeks to eliminate fall run impacts.
- b. See Response 1a.

(2) Cliff Hart, e-mail dated March 18, 2009:

- a. He requests no fall salmon fishing season in 2009 for the Sacramento River.
- b. He supports the PFMC Option 1 with its 10 day ocean season in the Klamath Management Zone.

Response:

- a. The Department's recommended season will have no fall run impacts per agreement with the PFMC.
- b. This comment does not address Central Valley salmon fishery regulations and cannot therefore be addressed in this particular regulatory procedure.

(3) Mike Hart, e-mail dated March 19, 2009:

- a. He requests no fall salmon fishing season in 2009 for the Sacramento River.
- b. He supports the PFMC Option 1 with its 10 day ocean season in the Klamath Management Zone.

Response:

- a. See Response 2a.
- b. See Response 2b.

(4) Roger Thomas, Golden Gate Fishermen's Association, letter dated March 23, 2009

- a. He supports the Commission Option 1 for no salmon fishing in the Central Valley.

Response:

- a. See Responses 1a and 2a.

(5) Donald K. Hansen, Pacific Fishery Management Council, letter dated March 25, 2009

- a. He requests the Commission manage 2009 Central Valley fisheries that impact Sacramento River fall Chinook with caution to ensure adequate escapement in 2010.

Response:

- a. See Response 1a and 2a.

(6) E.B. Duggan, oral comments at Commission meeting on April 9, 2009:

- a. He supports Klamath River Option 1.
- b. He doesn't like the 40,700 escapement set by the PFMC.
- c. He supports the PFMC Option 1 with its 10 day ocean season in the Klamath Management Zone.
- d. He supports a Central Valley late-fall season from November 16 to December 31 with a 1 fish per day bag limit.

Response:

- a. See Response 2b.
- b. See Response 2b.
- c. See Response 2b.
- d. See Response 1a.

(7) Bob Baiocchi, Johnson Bait and Tackle, oral comments at Commission meetings on March 4, 2009 and April 9, 2009:

- a. He supports a Central Valley river salmon fishery for 2009.
- b. He wants the Department to stop catch and release fishing for salmon in the Central Valley.
- c. He supports a Central Valley late-fall season from November 16 to December 31 with a 1 fish per day bag limit.
- d. He wants the Department to use all excess fertilized salmon eggs to raise more fish.
- e. He requests higher river flows to help push young into the Delta.

Response:

- a. See Response 1a.
- b. Both ISOR options and the Department's recommendation allow no take and possession of salmon in the areas closed to salmon fishing to stop any catch and release fishing.
- c. See Response 1a.
- d. See Response 2b.

e. See Response 2b.

- (8) George Pedashki, oral comments at Commission meeting on April 9, 2009:
- a. He supports keeping the salmon fishing opportunity open in the Central Valley river fishery for 2009.

Response:

a. See Response 1a.

- (9) Christopher Knowles, e-mail dated April 12, 2009:
- a. He requests no salmon fishing season in any river or the ocean for 2009.

Response:

a. See Response 1a and 2a. The Commission approved limited salmon fishing to provide some 2009 fishing opportunity.

- (10) Robert Moore, e-mail dated April 14, 2009:
- a. He requests no salmon fishing season in any river or the ocean for 2009.

Response:

a. See Response 9a.

- (11) Steve Jones, e-mail dated April 21, 2009:
- a. He requests the 2009 salmon fishing season in the Central Valley start on November 1, 2009, which is the same as last year.

Response:

a. See Response 1a and 2a.

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:

The Commission could reduce season duration for salmon, require additional gear restrictions, or close entire river systems for all fisheries which include trout, steelhead, striped bass, sturgeon and other non-salmonids.

(b) No Change Alternative:

The no change alternative is one of the options under consideration if severe restrictions are place on California's ocean salmon fisheries.

(c) Consideration of Alternatives:

In view of the 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 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 determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

Updated Informative Digest (Policy Statement Overview)

Please refer to the Initial Statement of Reason's (ISOR) Informative Digest for the original discussion.

On April 8, 2009, the Pacific Fishery Management Council (PFMC) recommended all Central Valley river salmon fisheries start after November 15 to reduce impact on Sacramento River Fall Chinook.

The Department recommended a hybrid Option 3 targeting late-fall Chinook in the same location as 2008 at the Commission meeting on April 9, 2009 in response to the PFMC's recommendation.

The proposed changes from the ISOR regulatory language in response to the Department's recommendation on April 9, 2009 are:

- 1. Sacramento River from Lower Red Bluff Boat Ramp to Knights Landing will open to salmon fishing from November 16, 2009 to December 31, 2009.**
- 2. The daily bag limit will be one salmon.**
- 3. The possession limit will be one salmon.**
- 4. No take and possession of salmon in the areas closed to salmon fishing to stop any catch and release fishing.**

The Fish and Game Commission adopted the hybrid Option 3 at its April 21, 2009 teleconference.