



VII. Location of Department files:

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

VIII. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

No alternatives were identified.

(b) No change Alternative:

The no change alternative would leave existing regulations in place with inconsistent regulations, ongoing enforcement issues, and no allowance for use of spear for taking of striped bass.

(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.

IX. 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:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The potential impacts from the proposed regulations in the Sport Fishing Review Cycle

may range from 0 to 16,000 jobs depending on the Commission's final actions. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable sturgeon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

(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

Spear fishing as defined under Section 2.30, Title 14 is restricted to the Colorado and Valley Districts and a small area of the Kern River with species and exemptions.

The Commission has requested the option to discuss spear fishing regulations for striped bass under the upcoming Sport Fishing Review Cycle. The Department has serious reservations allowing spear fishing for striped bass and can only support offering an option to consider spear fishing in existing areas allowed in Section 2.30 at this time.

The expansion of any spear fishing for striped bass outside of these areas is a very complicated subject and needs a larger coordination effort than can be achieved under the current Sport Fishing Review cycle. There are significant issues related to listed and special status species that will require comprehensive review and coordination with the federal and local agencies and stakeholders.

### **Proposal Overview**

This Department is proposing the following two regulatory options for Commission consideration of allowing the take of striped bass in inland waters with spear fishing as requested by various spear fishing groups.

#### **OPTION 1 – NO HARVEST OF STRIPED BASS**

##### Amend Section 2.30, Spearfishing

- Open all of Black Butte Lake to spear fishing to eliminate an enforcement issue because half of the lake is located in Tehama County (Sierra District) and the other half in Butte County (Valley District).
- Clarify where the designated salmon spawning areas are defined.

#### **OPTION 2 – ALLOW HARVEST OF STRIPED BASS**

##### Amend Section 2.30, Spearfishing

- This section will be amended to allow the harvest of striped bass by spear fishing in the Valley district under the authority of a sport fishing license.
- Open all of Black Butte Lake to spear fishing to eliminate an enforcement issue because half of the lake is located in Tehama County (Sierra District) and the other half in Butte County (Valley District).
- Clarify where the designated salmon spawning areas are defined.

The benefits of the proposed regulations are sustainable management of sport fishing resources, protection of listed and special status species, and promotion of businesses that rely on California's sport fisheries.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

**The regulations were adopted as proposed, with the Commission voting to adopt Option 2 of the text at the Commission's November 7, 2012 meeting in Los Angeles, CA.**