

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:

See Table 1, Public Comments on Proposed Regulatory Changes and Department Responses for 2012 Sport Fishing Regulations Review Cycle for public comments considered and not accepted.

(b) No change Alternative:

The no change alternative would leave existing regulations in place with inconsistent regulations, reduced fishing opportunities, continue ongoing enforcement issues, not reduce competition on the natural spawning grounds from hatchery fish and, in-fact is detrimental to the reproductive fitness of wild-born descendants. The no-change alternative will not provide increased fishing opportunities for anglers.

(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:

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

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas in two general areas.

1. Hatchery trout and steelhead fishing revisions to allow harvest in most areas where only catch and release fishing is currently allowed.
2. Additional revisions are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

Hatchery Trout and Steelhead

California's steelhead supports a popular sport fishery throughout California's coastal anadromous waters north of Santa Barbara and the Central Valley Basin. Since 1998, the majority of California steelhead have been Federally listed under the Endangered Species Act (ESA), and since 1999 only harvest of hatchery steelhead has been allowed in California, with the exception of the Smith River. The Steelhead Fishing Report-Restoration Card (SH Report Card) data show that hatchery steelhead stray into streams that do not have hatcheries and are caught by steelhead anglers in nearly every anadromous stream in California, with the exception of the Noyo River, where zero hatchery steelhead have been reported caught since 1999).

The Department believes harvesting surplus and stray hatchery steelhead will protect and increase wild steelhead resources. Contrary to management strategies from the last several decades, research and ensuing literature demonstrate that a key to protecting reproductive fitness of wild salmonids is to decrease/remove introgression by decreasing the number of hatchery salmonids spawning with wild salmonids. Although total prevention of introgression between surplus and stray hatchery steelhead and wild steelhead is unrealistic, proper angling regulations and angler education will be a vital factor in attaining resilient and sustainable wild steelhead populations.

With the exception of the Mokelumne River Hatchery, California hatcheries generally meet their annual steelhead production goals and "surplus" hatchery steelhead remain in the river. This "surplus" has been "substantial", which is good for the anglers; however, unharvested hatchery steelhead that compete and spawn with wild steelhead likely harm success of wild steelhead stocks by reducing reproductive fitness of successive generations. Increasing allowable harvest of surplus hatchery steelhead will increase angler opportunity, harvest, and continued fishing, and will greatly benefit wild steelhead populations.

If the regulations proposed here are implemented, the Department believes the fundamental character of California's steelhead fishing will be improved, while important fishery management and wild steelhead population management will be positively effected. In addition, the proposed regulations are intended to simplify statewide steelhead regulations, and simplify and provide for effective enforcement.

Additional Revisions

Many members of the general public have expressed difficulty in understanding which inland waters in California are closed to salmon fishing. In addition, some of the rivers and streams in Klamath/Trinity and Central Valley basins are periodically opened and closed to salmon fishing. The Department is proposing to list all inland state waters as closed to salmon fishing unless otherwise noted in district or special regulations to help reduce public confusion.

The Department proposes to increase protection of redband trout, align management efforts and reduce public confusion in Davis and Pine creeks and the McCloud River tributaries of Edison, McKay, Moosehead and Swamp creeks.

The Department proposes to close the Sisquoc River and the tributaries of Silver King Creek to all fishing to increase protection for steelhead and trout, respectively, and open Wolf Creek to limited fishing due to stable populations of Lahontan cutthroat.

The Department also proposes to offer increased fishing opportunities in Chowchilla River and Eastman Lake, close a portion of the Stanislaus River, close Wolf Creek Lake, and limit fishing to non-salmonids only in San Diego Creek and San Gabriel River due to changes in local fish populations or conditions.

Proposal Overview

The Department is proposing broad salmon and steelhead angling regulations for the district and special fishing areas.

With recent Central Valley salmon closures, many anglers have expressed confusion as to which waters are actually open to salmon fishing. To help clarify this situation, the Department proposes that all district regulations (Section 7.00) specify that salmon fishing is closed in all streams unless otherwise indicated in the list of waters with special fishing regulations (Section 7.50) This will help reduce public confusion and standardize the regulatory approach.

As a continuing effort to improve steelhead management and angling opportunities, the Department proposes to liberalize regulations in most areas where only catch and release fishing is currently allowed with the objective of meeting the following goals: 1) allow and encourage anglers to harvest “surplus” hatchery steelhead (adults in excess of number necessary to meet a hatchery’s production goals) on streams with hatcheries, and 2) allow and encourage anglers to harvest hatchery steelhead that stray into streams without hatchery production. This will help increase fishing opportunities while increasing protection for naturally spawning steelhead stocks.

Additional changes are proposed to increase resource protection, correct regulatory issues, reduce public confusion, improve regulatory enforcement, and standardize regulatory structure.

The benefits of the proposed regulations are sustainable management of sport fishing resources and promotion of businesses that rely on sport fishing.

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 at the Commission's November 7, 2012 meeting in Los Angeles, CA.