



Current regulations may not be appropriate to provide for appropriate harvest rates and equitable distribution of the harvestable surplus of salmon.

The Department of Fish and Game (Department) is proposing a range of varied salmon season dates in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible PFMC 2012 recommendations for Central Valley salmon stocks in mid-April and align annual season closing dates to protect listed species and salmon spawning grounds.

The public has commented that the current regulations are not clear. The following changes are proposed to clarify the regulations:

For all areas, the current language to describe no salmon fishing in all areas is "Closed to salmon fishing. No take or possession of salmon". The proposed regulations state "Closed to the take of salmon" instead.

All subsections regarding the Mokelumne River [subsection 7.50(b)(124)] will be revised to clarify the regulations and organize the subsections from upper reach to lower reach to align with the rest of Section 7.50.

The proposed regulation [subsection 7.50(b)(124)(C)] defines the "Woodbridge vehicle bridge" as the "Lower Sacramento Road bridge".

The proposed regulation (subsection 7.50(b)(124)(D)) defines the lower boundary of the Mokelumne River as Mokelumne River and its tributary sloughs east of Highway 160 and north of Highway 12.

The area description for subsection 7.50(b)(156.5)(F) includes Suisun Bay, Grizzly Bay and all tributary sloughs. The proposed regulation will specify this area includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160

(b) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The PFMC will develop the annual Pacific coast ocean salmon fisheries regulatory options for public review at their March 6, 2012 meeting and develop the final PFMC regulatory recommendations to the National Marine Fisheries Service at their April 6, 2012 meeting.

Although there are no PFMC regulatory options to review at this time, there exists a possibility of ocean water closures off California. These ocean closures may result in PFMC recommendations for Central Valley salmon fishery closures.

The Department is proposing a range of varied salmon season dates in the American, Feather, Mokelumne, and Sacramento rivers to encompass possible PFMC 2012 recommendations for Central Valley salmon stocks in mid-April. The scope of this option is intentionally broad to increase flexibility for development of the final Central Valley salmon seasons.

Further Commission actions affecting the Central Valley salmon sport fishery may be developed after the annual PFMC reports, *Review of 2011 Ocean Salmon Fisheries* and *Preseason Report I Stock Abundance Analysis for 2012 Ocean Salmon Fisheries*, are available in late February 2012.

### **Present Regulations**

The current regulations allow for salmon fishing in the American, Feather and Sacramento rivers to achieve the 2011 PFMC harvest target of 61,400 adult Sacramento River Fall Chinook, but the Mokelumne River is closed to salmon fishing.

- 1) The American River, subsection 7.50(b)(5), is open to salmon fishing with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits as follows;
  - a. Subsection (A) between Nimbus Dam and Hazel Avenue bridge from July 16 to December 31;
  - b. Subsection (B) between Hazel Avenue bridge and USGS gauging station cable crossing near the Nimbus Hatchery from July 16 to September 14;
  - c. Subsection (C) between USGS gauging station cable crossing near the Nimbus Hatchery and the SMUD power line crossing at southwest boundary of Ancil Hoffman Park from July 16 to October 31;
  - d. Subsection (D) between the SMUD power line crossing at southwest boundary of Ancil Hoffman Park and the Jibboom Street bridge from July 16 to December 31; and
  - e. Subsection (E) between the Jibboom Street bridge and the mouth from July 16 to December 11.
  
- 2) The Feather River downstream of 1000 feet below the Thermalito Afterbay Outfall, subsection 7.50(b)(68)(D), is open to salmon fishing

from July 16 to December 11 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.

- 3) The Mokelumne River, subsection 7.50(b)(124), is closed to salmon fishing all year, but open with existing trout and steelhead bag limits as follows:
  - a. Subsection (A) between the Highway 99 bridge and the mouth for all year; and
  - b. Subsection (B) between the Highway 99 bridge and the Camanche Dam from January 1 to March 31 and the fourth Saturday in May to October 31.
  
- 4) The Sacramento River, subsection 7.50(b)(156.5), is open to salmon fishing with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits as follows;
  - a. Subsection (C) between Deschutes Road bridge and Red Bluff Diversion Dam from August 1 to December 18;
  - b. Subsection (E) between Sycamore Boat Ramp and Highway 113 bridge from July 16 to December 18; and
  - c. Subsection (F) between Highway 113 bridge and Carquinez Bridge from July 16 to December 11.

### **Proposed Regulations**

A range of varied season dates are proposed to continue salmon fishing in the American, Feather and Sacramento rivers and expand angler access in the Feather and Mokelumne rivers. The following changes to current regulations are proposed to encompass the final PFMC recommendations and align annual season closing dates to protect listed species and salmon spawning grounds. The lower Sacramento River [subsections 7.50(b)(156.5)(C), (E) and (F)] closes to salmon fishing the day after the Sunday nearest December 15 to protect adult Winter Chinook salmon. The lower segments of the American [subsection 7.50(b)(5)(E)], Feather [subsection 7.50(b)(68)(E)] and Mokelumne [subsection 7.50(b)(124)(D)] rivers are proposed to close salmon fishing on the same day to align the regulations with the regulations for the lower Sacramento River.

For all areas, the current language to describe no salmon fishing in all areas is “Closed to salmon fishing. No take or possession of salmon”. The Department proposes to use “Closed to the take of salmon” instead to reduce public confusion and assist enforcement activities.

#### American River, subsection 7.50(b)(5)

- 1) Subsection (A) between Nimbus Dam and the Hazel Avenue bridge and subsection (D) between the SMUD power line crossing at the

southwest boundary of Ancil Hoffman Park and the Jibboom Street bridge.

- a. Proposed range of varied open dates between July 16 and December 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 2) Subsection (B) between Hazel Avenue bridge and the USGS gauging station cable crossing near Nimbus Hatchery.
  - a. Proposed range of varied open dates between July 16 and August 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
    - August 15 is the projected 2012 date when the Nimbus Hatchery fish rack will be installed.
- 3) Subsection (C) between the USGS gauging station cable crossing near Nimbus Hatchery and the SMUD power line crossing the southwest boundary of Ancil Hoffman Park.
  - a. Proposed range of varied open dates between July 16 and October 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
    - October 31 is the traditional closing date to protect salmon spawning grounds in this reach of the river.
- 4) Subsection (E) between the Jibboom Street bridge and the mouth.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Subsection (C) between the Highway 70 bridge and the unimproved boat ramp above the Thermalito Afterbay Outfall.
  - a. The lower boundary is proposed to move upstream to open up salmon fishing access to the Thermalito Afterbay Outfall area in new subsection (D).
  - b. Proposed to remain closed to salmon fishing all year with existing trout and steelhead limits.
    - This change will increase fishing access while continuing protection of Spring Chinook salmon above the Thermalito Afterbay Outfall.
- 2) New subsection (D) between the unimproved boat ramp above the Thermalito Afterbay Outfall and the Live Oak boat ramp.

This revised reach is proposed open up salmon fishing access to the Thermalito Afterbay Outfall area and add the historical post-September closure of this area to protect salmonid spawning grounds.

- a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits.
  - b. Proposed range of varied open dates between July 16 and October 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from October 16 to December 31 with existing trout and steelhead bag limits.
- 3) Subsection (E) between the Live Oak boat ramp and the mouth.
- a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead limits
  - b. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.

Mokelumne River, subsection 7.50(b)(124)

- 1) All subsections will be revised to clarify the regulations and organize the subsections from upper reach to lower reach to align with the rest of Section 7.50.
- 2) Subsection (A) between Camanche Dam and Highway 99 bridge.
  - a. Proposed to remain closed to salmon fishing from January 1 to March 31 and from the fourth Saturday in May to July 15 with existing trout and steelhead limits.
  - b. Proposed range of varied open dates between July 16 and October 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
    - The proposed closing date will add the historical post-September closure of this area to protect salmonid spawning grounds.
- 3) Subsection (B) between Highway 99 bridge and the Woodbridge Irrigation District Dam including Lodi Lake.
  - a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead bag limits.
  - b. Proposed range of varied open dates between July 16 and December 31 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
- 4) Subsection (C) between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.
  - a. Proposed to remain closed to all fishing all year.
  - b. The proposed regulation defines the “Woodbridge vehicle bridge” as the “Lower Sacramento Road bridge”. This is only a change in the description of the boundary, not the boundary itself.

- 5) Subsection (D) between the Lower Sacramento Road bridge and the mouth.
  - a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead bag limits.
  - b. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - c. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
  - d. For purposes of this regulation, the lower boundary is proposed to be defined as Mokelumne River and its tributary sloughs east of Highway 160 and north of Highway 12 to assist enforcement of these regulations.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsection (C) between Deschutes Road bridge and the Red Bluff Diversion Dam.
  - a. Proposed range of varied open dates between August 1 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
- 2) Subsection (E) between the Red Bluff Diversion Dam and the Highway 113 bridge.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
- 3) Subsection (F) between the Highway 113 bridge and the Carquinez Bridge.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
  - c. This area's description includes Suisun Bay, Grizzly Bay and all tributary sloughs. The proposed regulation will specify this area includes Suisun Bay, Grizzly Bay and all tributary sloughs west of Highway 160 to assist enforcement of the regulations.

Additional minor changes are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

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 and 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, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based Central Valley salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game.

Reference: Sections 200, 202, 205, 206, 215 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:

[Economic Impact Analysis](#).

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendments.

IV. 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 will keep severe restrictions in place for California's Central Valley salmon fisheries. The no change alternative may be adopted if there are low Sacramento River Fall Chinook salmon returns to the Central Valley river system.

(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, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost-effective to the 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 is necessary.

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 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; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

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 proposed regulations range from no salmon fishing in 2012 to a normal Central Valley salmon season; therefore, the potential impacts range from 0 to 166 jobs. 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 salmon stocks and, subsequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon 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 salmon 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.

## Informative Digest (Policy Statement Overview)

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- 4) Subsection (E) between the Jibboom Street bridge and the mouth.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.

Feather River, subsection 7.50(b)(68)

- 1) Subsection (C) between the Highway 70 bridge and the unimproved boat ramp above the Thermalito Afterbay Outfall.
  - a. The lower boundary is proposed to move upstream to open up salmon fishing access to the Thermalito Afterbay Outfall area in new subsection (D).
  - b. Proposed to remain closed to salmon fishing all year with existing trout and steelhead limits
- 2) New subsection (D) between the unimproved boat ramp above the Thermalito Afterbay Outfall and the Live Oak boat ramp.
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  - a. Proposed to remain closed to salmon fishing from January 1 to March 31 and from the fourth Saturday in May to July 15 with existing trout and steelhead

- limits.
- b. Proposed range of varied open dates between July 16 and October 15 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
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  - 4) Subsection (C) between the Woodbridge Irrigation District Dam and the Lower Sacramento Road bridge.
    - a. Proposed to remain closed to all fishing all year.
    - b. The lower boundary's "Woodbridge vehicle bridge" is defined as "the Lower Sacramento Road bridge".
  - 5) Subsection (D) between the Lower Sacramento Road bridge and the mouth.
    - a. Proposed to remain closed to salmon fishing from January 1 to July 15 with existing trout and steelhead bag limits.
    - b. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
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    - d. For purposes of this regulation, the lower boundary is proposed to be defined as Mokelumne River and its tributary sloughs east of Highway 160 and north of Highway 12.

Sacramento River below Keswick Dam, subsection 7.50(b)(156.5)

- 1) Subsection (C) between Deschutes Road bridge and the Red Bluff Diversion Dam.
  - a. Proposed range of varied open dates between August 1 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
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- 2) Subsection (E) between the Red Bluff Diversion Dam and the Highway 113 bridge.
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- 3) Subsection (F) between the Highway 113 bridge and the Carquinez Bridge.
  - a. Proposed range of varied open dates between July 16 and December 16 with a bag limit of 2 Chinook salmon and existing trout and steelhead bag limits.
  - b. Proposed to remain closed to salmon fishing from December 17 to December 31 with existing trout and steelhead bag limits.
  - c. This area's description includes Suisun Bay, Grizzly Bay and all tributary sloughs. The proposed regulation will specify this area includes Suisun Bay,

Grizzly Bay and all tributary sloughs west of Highway 160.

Additional minor changes are proposed to improve clarity, reduce public confusion, and simplify Title 14 structure.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the Central Valley salmon resources, and promotion of businesses that rely on Central Valley salmon sport fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing regulations.