

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend Sections 1.45, 2.09, 4.05, 5.00, 5.80,
Subsections 7.50(b)(8), (b)(23), (b)(29), (b)(35.5), (b)(45), (b)(50.8), (b)(63), (b)(82),
(b)(97), (b)(99), (b)(104), (b)(107), (b)(130), (b)(133), (b)(135), (b)(136), (b)(141),
(b)(168), (b)(169), (b)(173), (b)(178), (b)(180), (b)(183), (b)(193), (b)(195.1), (b)(201),
and (b)(203.5), Subsection 8.00(a), and Section 27.90,
Title 14, California Code of Regulations

Re: Inland Sport Fishing Regulations

I. Date of Initial Statement of Reasons: June 4, 2014

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: August 6, 2014
Location: San Diego

(b) Discussion Hearing: Date: October 8, 2014
Location: Yreka

(c) Adoption Hearing: Date: December 3, 2014
Location: Van Nuys

III. Description of Regulatory Action:

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

This Department proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2014 Sport Fishing Review Cycle. This proposal will revise regulations on filleting of salmonids, increase fishing opportunities for bass and other warm water species, minimize potential take of adult steelhead and native Paiute cutthroat trout, extend low-flow restriction periods due to ongoing drought conditions, and make clarifications to other regulatory sections to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

Filleting of Salmonids in Inland Waters

In 2013, the Department imposed a filleting requirement for all salmonids taken in inland waters. The regulation requires that all salmon and steelhead taken in inland waters where a sport fishing license is required, must be kept in such a condition that species and size can be determined until placed at the angler's

permanent residence, a commercial preservation facility or being prepared for immediate consumption. The purpose of this regulation is to protect federally and state-listed salmonids by retaining the ability to determine the origin (wild or hatchery), the species (Coho, Chinook or steelhead), and the size (jack or adult) of salmon and steelhead taken, possessed and transported.

The fillet rule is enforced statewide in anadromous waters for all designated angling seasons. Along the California Coast, there are two salmon species (Coho and Chinook) that have overlapping run timings. Chinook salmon can be harvested but Coho salmon are protected and are illegal to harvest. Because of their run timing overlap, the enforcement of the fillet rule is necessary to minimize illegal harvest of Coho salmon.

In the Central Valley, there are four runs of Chinook salmon: winter, spring, fall and late-fall, however Coho salmon are not present. Winter and spring-run Chinook salmon are illegal to harvest and are protected through seasonal angling closures on the Sacramento River and its tributaries. Because there is no overlap of protected Chinook runs during the open harvest season (July-December), the fillet rule is not critical for the enforcement of illegal harvest.

Prior to the fillet rule, a large portion of anglers in the Central Valley would fillet their salmon prior to departure from the river for ease of transport and disposal of carcasses. Since the establishment of the rule, many anglers have expressed their disappointment and have asked the Department to provide a compromise to the rule. Based on these reasons, the Department is proposing an exception in the Central Valley to the current fillet rule to allow anglers to fillet their Chinook salmon on site during the Chinook salmon angling season. The exception would allow the filleting of Chinook salmon from July through December on the Sacramento, American and Feather rivers.

In addition, the Department is adding the definition of a Commercial Preservation Facility to the regulation. The proposed definition encompasses licensed fishing guides which will allow licensed guides to legally fillet salmon and steelhead for their clients. The addition of the proposed definition for the licensed fishing guide minimizes impact on guides by allowing continued angler services while also improving enforcement compliance. It also responds to recent Commission and public support for this modification.

Proposal: Amend Section 1.45, Filleting of Salmonids in Inland Waters

This section will be amended to allow filleting of Chinook salmon from July 1 through December 31 on the Sacramento, American, and Feather rivers. In addition, the regulation will be amended to include a definition of a Commercial Preservation Facility.

Modify Dip Net Size Restriction for Landing Nets

Current statewide angling regulatory language in Section 2.09, Possession of Illegal Gear, restricts the size of landing-type dip nets to 36 inches in greatest

dimension. As worded, this regulation restricts the dip net opening and net bag length or depth to 36 inches. This restriction is a hindrance to freshwater anglers trying to land large species such as salmon, striped bass, and sturgeon. The intent of the 36-inch size restriction is to limit the harvest of bait fish. Therefore, the Department is proposing to amend the regulation to allow standard landing-type dip nets to be up to 36 inches in diameter across the net opening and up to 60 inches in net length/depth.

Proposal: Amend Section 2.09, Possession of Illegal Gear

Amend the size requirement for statewide angling landing-type dip nets.

Add Dip Net Size Restriction For Bait Fish

To reduce public confusion and improve enforcement, the Department proposes to amend Section 4.05, Bait Fish Capture Methods, to clarify that dip nets used for the purpose of collecting bait fish, in addition to traps, may not be over 36 inches in greatest dimension.

Proposal: Amend Section 4.05, Fish Bait Capture Methods

Amend this section to restrict the size of dip nets to collect bait fish to 36 inches in greatest dimension.

Black Bass - Lake Castaic

The current regulation for black bass at Lake Castaic is outdated, and was enacted to protect a “trophy” black bass fishery. Lake Castaic has limiting factors that are not conducive to maintaining a large population of “trophy” black bass. Habitat for juvenile bass and sunfish is limited as shorelines are generally steep in both arms of the lake and contain only a few small coves. Within these coves, aquatic vegetation is lacking due to water level fluctuations. There is also a large healthy population of striped bass. The proposal is to amend the black bass regulation at Lake Castaic from 2 fish at 18 inches to 5 fish at 15 inches. This proposed amendment is the same or similar to other state waters; including but not limited to Lake Hodges, Diamond Valley, Lake Perris and Isabella Lake. The revised regulation will provide additional opportunity for anglers to keep fish, since few currently reach the 18 inch size given the lake’s habitat limitations.

Proposal: Amend subsection (b)11 of Section 5.00, Black Bass

Revise the bag and possession limit for black bass at Lake Castaic from 2 fish at 18 inches to 5 fish at 15 inches.

Black Bass - El Capitan Reservoir

The current regulation for black bass at El Capitan reservoir is outdated. There is a healthy population of black bass within the reservoir, and virtually no harvest for consumption. The Department proposes to amend the black bass regulation at El Capitan Reservoir from 5 fish at 15 inches to 5 fish at 12 inches; changing the lake to the statewide minimum for black bass.

Proposal: Amend subsection (b)15 of Section 5.00, Black Bass

Reduce the minimum size limit of black bass at El Capitan Reservoir from 15 inches to 12 inches.

White Sturgeon - Method of Take

Subsections 5.80(d) and 27.90(d) are currently written using the word, “landing.” “Landing” is not defined in the Fish and Game Code. This creates confusion amongst anglers as to what the regulation means by “landing.” It also has the potential to create a legal challenge by defendants during the prosecution of an arrest. The proposal is to replace “landing” with “take.” “Take” is specifically defined in Title 14, Section 1.80 to mean “hunt, pursue, catch, capture or kill fish, amphibians, mollusks, crustaceans or invertebrates or attempting to do so.” The change is needed to make it clear that it is illegal to use a firearm or snare to take sturgeon.

Proposal: Amend subsection (d) of Section 5.80 and Section 27.90, White Sturgeon

Replace the word “landing” with “take” to reduce public confusion and improve enforcement of the regulations.

White Sturgeon - Angling Boundary

Subsection 5.80(i) is currently written in conflict with Section 5.80(i)(1)(A) through (C). This conflict creates confusion amongst anglers as to whether or not it is legal to fish for sturgeon on the eastern bank of the Sacramento River in Butte County. This ambiguity also has the potential to create a legal challenge by defendants during the prosecution of an arrest.

Under current subsections 5.80(i)(1)(A) through (C) it is unlawful take any sturgeon, use wire leaders, or use lamprey or shrimp as bait, between Keswick Dam and the Highway 162 Bridge. The Sacramento River flows through Shasta, Tehama, Glenn and Butte counties, between these two landmarks. Subsection 5.80(i) establishes a Special Sierra and Valley District Sturgeon Closure from January 1 to December 31 in Shasta, Tehama and Glenn counties. Butte County has been unintentionally omitted from the regulation.

Proposal: Amend subsection (i) of Section 5.80, White Sturgeon

Add Butte County to the list of counties closed to sturgeon fishing under the *Special Sierra and Valley District Sturgeon Closure*.

Big Sur River

Under current regulations, the harvest of hatchery trout and steelhead is allowed on the Big Sur River and tributaries above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with the Ventana Wilderness Area. However, this section of the Big Sur River is above a fish barrier and not

reachable by anadromous salmonids. Therefore, the Department is proposing to remove the current regulatory language authorizing the harvest of hatchery trout and steelhead and return this section of the Big Sur River to catch and release angling. In addition, this proposal will remove the reference to Section 8.00, Low-Flow Restrictions, from Section (b)(23) as neither subsection of the Big Sur River, (b)(23)(A) or (b)(23)(B), is subject to low flow closures as defined in Section 8.00(c)(9).

Proposal: Amend Special Fishing Regulations subsection (b)(23), Big Sur River

Remove current language permitting the harvest of hatchery trout and steelhead and remove the reference to Section 8.00.

Calleguas Creek

The Southern California Steelhead Distinct Population Segment (DPS) was listed as endangered under the Federal ESA in 1997. The DPS includes all naturally spawned anadromous *Oncorhynchus mykiss* (steelhead) populations below natural and manmade impassable barriers in streams from the Santa Maria River, Santa Barbara County, California, (inclusive) to the U.S.-Mexico Border.

Despite the location of Calleguas Creek near the center of this endangered DPS, the only evidence of steelhead presence is a single dead adult steelhead trout collected in Conejo Creek (Calleguas Creek tributary) in April of 2013. The stream is not currently monitored for the presence of steelhead. Very limited steelhead spawning habitat is available in Calleguas Creek and its tributaries and all associated creeks are infested with non-native, exotic fish species.

Based on the discovery of the adult steelhead in Conejo Creek, the Department is proposing a seasonal closure for Calleguas Creek and tributaries to minimize the potential take of adult steelhead. Because the creek and its tributaries possess very limited steelhead spawning habitat, and the drainage supports a large non-native fish community, we propose a seasonal closure as opposed to a complete closure to protect adult steelhead, while maintaining opportunities for recreational angling.

The current regulations allow year-round angling on Calleguas Creek and tributaries. There is a 5 fish daily bag/possession limit for trout. The regulation change will be consistent with similar drainages within Region 5 with seasonal closures. These streams will be open to angling from the Saturday proceeding Memorial Day through November 30. Only artificial lures with barbless hooks may be used and the daily bag and possession limit will read: Open to fishing for non-salmonids only. Closed to the take of trout and steelhead.

Based on the limited steelhead spawning habitat and the abundance of non-native, fish predators in the drainage, the Department concludes that a seasonal closure will adequately protect adult steelhead migrating into the creek while maintaining opportunities for recreational angling.

Proposal: Amend Special Fishing Regulations subsection (b)(35.5), Calleguas Creek

Impose a seasonal closure on Calleguas Creek and its tributaries from December 1 through the Friday proceeding Memorial day to protect adult steelhead.

Diaz Lake

Diaz Lake is located within the boundary of the Inyo County, Southwestern portion regulation. The Inyo County regulation specifically calls attention to the Cottonwood Creek restrictions as they are within its boundary and have different seasons and bag limits. However, it does not call attention to the Diaz Lake regulation even though the lake has a second season and bag limit that is different from the Inyo County, Southwestern portion regulation. The proposed regulation change is to reference the Diaz Lake restrictions in the Inyo County regulations. Additionally, the Department often receives calls as to whether or not Independence Creek, which is part of the boundary, is included in the regulation. To clarify the existing regulation, the Department proposes adding a statement that Independence Creek is open to fishing.

Proposal: Amend Special Fishing Regulations subsection (b)(82), Inyo County

Add a reference to the Diaz Lake restrictions and add a statement that Independence Creek is open to fishing.

Las Garzas Creek

Las Garzas Creek is misspelled as Las Gazas Creek in Title 14 and in the Sport Fishing Regulations Booklet. The proposal is to correct the spelling of the word Garzas.

Proposal: Amend Special Fishing Regulations subsection (b)(97), Las Gazas Creek

Correct the spelling of Las Garzas Creek.

Navarro River, Noyo River, and Ten Mile River

The proposed regulation change is to remove “and tributaries” from the Navarro River, Noyo River, and Ten Mile River fishing regulations. Fishing is currently only allowed in the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River. The reference to “and tributaries” in the regulations leads to confusion and requests for clarification from the public. The recommended regulation change clearly identifies the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River as the sections open to fishing.

Proposal: Amend Special Fishing Regulations subsections (b)(130), Navarro River; (b)(133), Noyo River; and (b)(193), Ten Mile River

Remove “and tributaries” from the regulations for the Navarro, Noyo, and Ten Mile rivers to reduce public confusion.

Pit River

The proposed regulation change is for a section of the Pit River within Modoc County running from the Highway 395 bridge/South Fork Pit River crossing downstream to the Highway 299 (Canby) bridge/ Pit River crossing. This proposal would make this section of river open to fishing all year to increase angling opportunities for warm water fish. Currently this section of river is covered under the Sierra District General Regulations for trout, which is open the last Saturday in April through November 15.

Recent and historical surveys indicate that trout are not present within this section of river. Surveys conducted by United States Fish and Wildlife Service, duplicating historic sampling locations, found no evidence of trout (USFWS 2003). In addition, no trout have been found in the river reach proposed to be opened all year in the historic 1898 to 1978 Pit River surveys (USFWS 2003 and Vestra 2004). Moreover, many warm water species, such as catfish, green sunfish, blue gill, and possibly bass are present.

Proposal: Add Special Fishing Regulations subsection (b)(141)(A), Pit River and re-letter current subsections (b)(141)(A) as (b)(141)(B), (b)(141)(B) as (b)(141)(C), and (b)(141)(C) as (b)(141)(D)

Open the upper Pit River to year-round angling to increase angling opportunities for warm water species.

Silver King Creek

The proposed regulation change is necessary to protect native Paiute cutthroat trout, which are listed as threatened pursuant to the federal Endangered Species Act. The proposed regulation will prohibit angling in a portion of its historic range on Silver King Creek and tributaries from the confluence with Tamarack Lake Creek, below Llewellyn Falls, downstream to the confluence with Snodgrass Creek. This section of stream is currently open to trout fishing from the last Saturday in April through November 15, but will be restocked with threatened Paiute cutthroat trout as part of an ongoing restoration project. Existing regulations prohibit fishing all year in Silver King Creek and tributaries including lakes above Llewellyn Falls in existing Paiute cutthroat trout habitat.

Currently a restoration project is being conducted in the portion of Silver King Creek below Llewellyn Falls. As a result of this project, all non-native trout species are being removed from the area below Llewellyn Falls to restore historic habitat for the Paiute cutthroat trout. Since Paiute cutthroat trout occur upstream of Llewellyn Falls, this regulation change is necessary to protect those Paiute cutthroat trout that may wash downstream below Llewellyn Falls and to protect those fish that will be restocked in the section as part of the restoration project. With a current population of around 2,000 individuals, it is necessary to protect all

individuals to maintain the genetic diversity of the species. Following completion of the restoration project, Paiute cutthroat trout will be the only trout species present below Llewellyn Falls down to Snodgrass creek.

Proposal: Amend and recombine Special Fishing Regulations subsections (b)(178)(A) and (b)(178)(B), Silver King Creek.

Close Silver King Creek above its confluence with Snodgrass Creek to angling year-round to protect native Paiute cutthroat trout.

Trinity River

In 2014, approximately 14 miles of the upper Trinity River were opened to winter angling and the new regulation was added to the Special Fishing Regulations. The same section of the upper Trinity River is also open to angling from the last Saturday in April through November 15 under the North Coast District General Regulations. To avoid public confusion, the Department is proposing to add the April through Nov. 15 angling season to the upper Trinity River Special Fishing Regulations.

Proposal: Amend Special Fishing Regulations subsection (b)(195.1), Trinity River

Add the April through November 15 angling season to the Special Fishing Regulations.

Low-Flow Restrictions References

Section 8.00, Low-Flow Restrictions, is referenced throughout the Special Fishing Regulations in Section 7.50. This proposal will add the Section 8.00 title and appropriate subsection to the existing references so the reader knows what Section 8.00 is and which subsection to refer to. In addition, this proposal will add the reference to Section 8.00 more frequently where the regulation applies. Adding this information will make it easier for anglers to understand and follow the Special Fishing Regulations and makes the wording consistent with other references in Section 7.50.

Proposal: Amend Special Fishing Regulations subsections (b)(8), (b)(29), (b)(45), (b)(50.8), (b)(63), (b)(63)(A)-(D), (b)(99), (b)(104), (b)(107), (b)(107)(B), (b)(135), (b)(136), (b)(168), (b)(169), (b)(173), (b)(180), (b)(180)(A)-(D), (b)(183), (b)(201), and (b)(203.5)

Add and clarify references to the correct subsection of Section 8.00 as they relate to the Special Fishing Regulations sections listed above.

Low-Flow Restrictions Time Period

Section 8.00 provides fishing restrictions (closures) for specified rivers and streams during low flow conditions to protect Chinook salmon and wild steelhead populations.

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a Drought State of Emergency for California and directed state officials to take all necessary actions to prepare for drought conditions with California facing water shortfalls in the driest year in recorded state history. In response to the Governor's proclamation, the Fish and Game Commission adopted on February 5, 2014, emergency sport fishing regulations extending the low flow restrictions on north coast and central coast streams to protect wild steelhead and Chinook salmon populations.

In anticipation of prolonged periods of low flow conditions throughout California in the future, the Department is proposing to extend the low flow restrictions permanently for the north coast streams for continued protection of wild steelhead and Chinook salmon populations. The following proposed regulatory changes would extend the time period for annual low flow closures until April 30 on selected streams to increase survival of adult Chinook salmon and wild steelhead by reducing hooking-related mortality. In addition, the Department proposes to correct an existing error in the telephone information number in subsection 8.00(a).

Amend Low Flow Restrictions, subsections (a) of Section 8.00.

Extension of the low-flow fishing restrictions ending date for the North Coast area (above San Francisco Bay) until April 30.

Correct the phone number error in subsection 8.00(a).

Minor Editorial Corrections for Clarity

Additional editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

Benefits of the Proposed Regulations

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. In addition, it is the policy of this state 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. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion of businesses that rely on recreational sport fishing in California.

- (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 Code.

Reference: Sections 200, 205, 206, 215, 220 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 Assessment.

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

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

IV. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

No alternatives were identified.

- (b) No Change Alternative:

The no change alternative would leave existing regulations in place with reduced fishing opportunities.

- (c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose 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 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 measures are needed.

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 fishing areas that will be affected are limited, and the number of anglers that will be affected is relatively small. In addition, many of the proposed changes will offer increased fishing opportunities with potential increases in economic activity related to spending by sport fish anglers.

- (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 proposed regulations would provide additional sport fish angling opportunities in some areas. However, the increase in fishing activity is anticipated to be limited relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

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

This Department proposal combines Department and public requests for Title 14, California Code of Regulations (CCR) changes for the 2014 Sport Fishing Review Cycle. This proposal will revise regulations on filleting of salmonids, extend low-flow restriction periods due to ongoing drought conditions, increase fishing opportunities for bass and other warm water species, minimize potential take of adult steelhead and native Paiute cutthroat trout, and make clarifications to other regulatory sections to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations

Filleting of Salmonids in Inland Waters

In 2013, the Department imposed a filleting requirement for all salmonids taken in inland waters. The regulation requires that all salmon and steelhead taken in inland waters where a sport fishing license is required, must be kept in such a condition that species and size can be determined until placed at the angler's permanent residence, a commercial preservation facility or being prepared for immediate consumption. The purpose of this regulation is to protect federally and state-listed salmonids by giving the Department the ability to determine the origin (wild or hatchery), the species (Coho, Chinook or steelhead), and the size (jack or adult) of salmon and steelhead taken, possessed and transported.

The fillet rule is enforced statewide in anadromous waters for all designated angling seasons. Along the California Coast, there are two salmon species (Coho and Chinook) that have overlapping run timings. Chinook salmon can be harvested but Coho salmon are protected and are illegal to harvest. Because of their run timing overlap, the enforcement of the fillet rule is necessary to minimize illegal harvest of Coho salmon.

In the Central Valley there are four runs of Chinook salmon: winter, spring, fall and late-fall, however Coho salmon are not present. Winter and spring-run Chinook salmon are illegal to harvest and are protected through seasonal angling closures on the Sacramento River and its tributaries. Because there is no overlap of protected Chinook runs during the open harvest season (July-December), the fillet rule is not critical for the enforcement of illegal harvest.

Prior to the fillet rule, a large portion of anglers in the Central Valley would fillet their salmon prior to departure from the river for ease of transport and disposal of carcasses. Since the establishment of the rule, many anglers have expressed their disappointment and have asked the Department to provide a compromise to the rule. Based on these reasons, the Department is proposing an exception in the Central Valley to the current fillet rule to allow anglers to fillet their Chinook salmon on site during the Chinook salmon angling season. The exception would allow the filleting of Chinook salmon from July through December on the Sacramento, American and Feather rivers.

In addition, the Department is adding the definition of a Commercial Preservation Facility to the regulation. The proposed definition encompasses licensed fishing guides which will allow licensed guides to legally fillet salmon and steelhead for their clients.

The addition of the proposed definition for the licensed fishing guide minimizes impact on guides by allowing continued angler services while also improving enforcement compliance. It also responds to recent Commission and public support for this modification.

Modify Dip Net Size Restriction for Landing Nets

Current regulatory language in Section 2.09, Possession of Illegal Gear, restricts the size of landing-type dip nets used in statewide angling to 36 inches in greatest dimension. As worded, this regulation restricts the dip net opening and net bag length/depth to 36 inches. This restriction is a hindrance to freshwater anglers trying to land large species such as salmon, striped bass, and sturgeon. The intent of the 36-inch size restriction is to limit the harvest of bait fish. Therefore, the Department is proposing to amend the regulation to allow standard landing-type dip nets to be up to 36 inches in diameter across the net opening and up to 60 inches in net length/depth.

Add Dip Net Size Restriction for Bait Fish

To reduce public confusion and enforcement issues, the Department proposes to amend Section 4.05, Bait Fish Capture Methods, to clarify that dip nets used for the purpose of collecting bait fish, in addition to traps, may not be over 36 inches in greatest dimension.

Black Bass - Lake Castaic

The current regulation for black bass at Lake Castaic is outdated, and was enacted to protect a “trophy” black bass fishery. Lake Castaic has limiting factors that are not conducive to maintaining a large population of “trophy” black bass. Habitat for juvenile bass and sunfish is limited as shorelines are generally steep in both arms and contain a few small coves. Within these coves aquatic vegetation is lacking due to water level fluctuations. There is also a large healthy population of striped bass. The proposal is to amend the black bass regulation at Lake Castaic from 2 fish at 18 inches to 5 fish at 15 inches. This proposed amendment is the same or similar to other state waters; including but not limited to Lake Hodges, Diamond Valley, Lake Perris and Isabella Lake.

Black Bass - El Capitan Reservoir

The current regulation for black bass at El Capitan reservoir is outdated. There is a healthy population of black bass within the reservoir, and virtually no harvest for consumption. The Department proposes to amend the black bass regulation at El Capitan Reservoir from 5 fish at 15 inches to 5 fish at 12 inches; changing the lake to the statewide minimum for black bass.

White Sturgeon - Method of Take

Sections 5.80(d) and 27.90(d) are currently written using the word, “landing.” “Landing” is not defined in the Fish and Game Code. This creates confusion amongst anglers as to what the regulation means by “landing.” It also has the potential to create a legal challenge by defendants during the prosecution of an arrest. The proposal is to replace “landing” with “take” which is defined in Title 14, Section 1.80.

White Sturgeon - Angling Boundary

Section 5.80(i) is currently written in conflict with Section 5.80(i)(1)(A) through (C). This conflict creates confusion amongst anglers as to whether or not it is legal to fish for sturgeon on the eastern bank of the Sacramento River in Butte County. This also has the potential to create a legal challenge by defendants during the prosecution of an arrest.

Under the current regulation of Section 5.80(i)(1)(A) through (C) it is unlawful take any sturgeon, use wire leaders, or use lamprey or shrimp as bait, between Keswick Dam and the Highway 162 Bridge. The Sacramento River flows through Shasta, Tehama, Glenn and Butte counties, between these two landmarks. Section 5.80(i) states the closure is from January 1 to December 31 in Shasta, Tehama and Glenn counties. Butte County has been unintentionally omitted from the regulation.

Big Sur River

Under current regulations, the harvest of hatchery trout and steelhead is allowed on the Big Sur River and tributaries above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with the Ventana Wilderness Area. However, this section of the Big Sur River is above a fish barrier and not reachable by anadromous salmonids. Therefore, the Department is proposing to remove the current regulatory language authorizing the harvest of hatchery trout and steelhead and return this section of the Big Sur River to catch and release angling. In addition, this proposal will remove the reference to Section 8.00, Low-Flow Restrictions, from Section (b)(23) as neither subsection of the Big Sur River, (b)(23)(A) or (b)(23)(b), is subject to low flow closures as defined in Section 8.00(c).

Calleguas Creek

The Southern California Steelhead DPS was listed as endangered under the Federal ESA in 1997. The DPS includes all naturally spawned anadromous *Oncorhynchus mykiss* (steelhead) populations below natural and manmade impassable barriers in streams from the Santa Maria River, Santa Barbara County, California, (inclusive) to the U.S.-Mexico Border.

Despite the location of Calleguas Creek near the center of this endangered DPS, only a single dead adult steelhead trout was collected in Conejo Creek (Calleguas Creek tributary) in April of 2013. The stream is not currently monitored for the presence of steelhead. Very limited steelhead spawning habitat is available in Calleguas Creek and tributaries and all associated creeks are infested with non-native, exotic fish species.

Based on the discovery of the adult steelhead in Conejo Creek, the Department is proposing a seasonal closure for Calleguas Creek and tributaries to minimize the potential take of adult steelhead. Because the creek and its tributaries possess very limited steelhead spawning habitat, and the drainage supports a large non-native fish community, we propose a seasonal closure as opposed to a complete closure to protect adult steelhead, while maintaining opportunities for recreational angling.

The current regulations allow year-round angling on Calleguas Creek and tributaries. There is a 5 fish daily bag/possession limit for trout. The regulation change will be consistent with similar drainages within Region 5 with seasonal closures. These

streams will be open to angling from the Saturday proceeding Memorial Day through November 30th. Only artificial lures with barbless hooks may be used and the daily bag and possession limit will read: Open to fishing for non-salmonids only. Closed to the take of trout and steelhead.

Diaz Lake

Diaz Lake is located within the boundary of the Inyo County, Southwestern portion regulation. The Inyo County regulation specifically calls attention to the Cottonwood Creek restrictions as they are within its boundary and have different seasons and bag limits. However, it does not call attention to the Diaz Lake regulation even though it has a second season and bag limit that is different from the Inyo County, Southwestern portion regulation. The proposed regulation change will reference the Diaz Lake restrictions in the Inyo County regulations. Additionally, the Department often receives calls as to whether or not Independence Creek, which is part of the boundary, is included in the regulation. To clarify, the Department proposes adding a statement that Independence Creek is open to fishing.

Las Garzas Creek

Las Garzas Creek is misspelled as Las Gazas Creek in Title 14 and in the Sport Fishing Regulations Booklet. The proposal is to correct the spelling of the word Garzas.

Navarro River, Noyo River, and Ten Mile River

The proposed regulation change is to remove “and tributaries” from the Navarro River, Noyo River, and Ten Mile River fishing regulations. Fishing is currently only allowed in the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River. The reference to “and tributaries” in the regulations leads to confusion and requests for clarification from the public. The recommended regulation change clearly identifies the main stems of the Navarro River, Noyo River, Ten Mile River, and North Fork Ten Mile River as the sections open to fishing.

Pit River

The proposed regulation change is for a section of the Pit River within Modoc County running from the Highway 395 bridge/South Fork Pit River crossing downstream to the Highway 299 (Canby) bridge/ Pit River crossing. This proposal would make this section of river open to fishing all year to increase angling opportunities for warm water fish. Currently this section of river is covered under the Sierra District General Regulations for trout, which is open the last Saturday in April through November 15.

Recent and historical surveys indicate that trout are not present within this section of river. Surveys conducted by United States Fish and Wildlife Service, duplicating historic sampling locations, did not find evidence of trout present (USFWS 2003), nor were trout present in the historic samples for the river reach proposed to be opened all year (USFWS 2003 and Vestra 2004). Moreover, many warm water species, such as catfish, green sunfish, blue gill, and possibly bass are present.

Silver King Creek

The Department is proposing to close Silver King Creek and tributaries below the confluence of Tamarack Lake Creek (below Llewellyn Falls) downstream to the

confluence with Snodgrass Creek to fishing all year. The proposed regulation change is necessary to protect native Paiute cutthroat trout, which are listed as threatened pursuant to the federal Endangered Species Act, by prohibiting angling in a portion of its historic range below Llewellyn Falls down to Snodgrass Creek. This segment of the stream will be restocked with Paiute cutthroat trout as part of a restoration project. Existing regulations prohibit fishing all year in Silver King Creek and tributaries including lakes above Llewellyn Falls in existing Paiute cutthroat trout habitat.

Trinity River

In 2014, approximately 14 miles of the upper Trinity River were opened to winter angling and the new regulation was added to the Special Fishing Regulations. The same section of the upper Trinity River is also open to angling from the last Saturday in April through November 15 under the North Coast District General Regulations. To avoid public confusion, the Department is proposing to add the April through Nov. 15 angling season to the upper Trinity River Special Fishing Regulations.

Low-Flow Restrictions References

Section 8.00, Low-Flow Restrictions, is referenced throughout the Special Fishing Regulations in Section 7.50. This proposal will add the Section 8.00 title and appropriate subsection to the existing references so the reader knows what Section 8.00 is and which subsection to refer to. In addition, this proposal will add the reference to Section 8.00 more frequently where the regulation applies. Adding this information will make it easier for anglers to understand and follow the regulations and makes the wording consistent with other references in Section 7.50.

Low-Flow Restriction Time Period

Section 8.00 provides fishing restrictions (closures) for specified rivers and streams during low flow conditions to protect Chinook salmon and steelhead populations.

On January 17, 2014, Governor Edmund G. Brown Jr. proclaimed a State of Emergency for California and directed state officials to take all necessary actions to prepare for drought conditions with California facing water shortfalls in the driest year in recorded state history. In response to the Governor's proclamation, the Fish and Game Commission adopted on February 5, 2014 emergency sport fishing regulations extending the low flow restrictions on north coast and central coast streams to protect wild steelhead and Chinook salmon populations.

In anticipation of prolonged periods of low flow conditions throughout California in the future, the Department is proposing to permanently extend the annual low flow restrictions to April 30 for the north coast streams for continued protection of wild steelhead and Chinook salmon populations. In addition, this proposal will correct the phone number error in subsection 8.00(a).

Minor Editorial Corrections for Clarity

Additional minor corrections are proposed to correct typographical errors and to improve regulation clarity.