

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VII. Location of Department Files:

Department of Fish and Wildlife
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.

(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 adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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.

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 is not anticipated to have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal relative to recreational angling effort statewide.

(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 expected impact of the proposed regulations on the amount of fishing activity is anticipated to be minimal 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.

Updated Informative Digest/Policy Statement Overview

This Department proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2016 Sport Fishing Regulations Review Cycle. This proposal will increase fishing opportunities for landlocked salmon, increase protection for listed steelhead, remove regulations that are no longer relevant, update nomenclature for amphibians and reptiles, correct regulations pertaining to combined bag and possession limits for trout and landlocked salmon, clarify the bag and possession limits for trout, and update the sport fishing report card requirements. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

Sport Fishing Report Card Requirements

To eliminate public confusion, the Department is proposing to remove outdated requirements for lobster report card when the reporting period was changed in 2013 from annual to a season basis, and update the general sport fishing report card requirements.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Repeal outdated requirements to lobster report cards that are no longer applicable and propose minor changes for clarity.

Eastman Lake

The US Army Corps of Engineers is requesting the Department to remove the closure at Eastman Lake because bald eagles are no longer nesting in the closure area. The conditions at the reservoir have changed and the closure is no longer effective or relevant. Water levels have changed so drastically that the location of the buoy line is not consistent with the regulations.

Proposal: Remove Special Fishing Regulations Subsections 7.50(b)(62A) and (62B), Eastman Lake

Removal of the existing closure area will open the lake to fishing year-round.

Reptile and Amphibian Nomenclature Updates

The scientific understanding of the relationships of amphibians and reptiles has changed since the regulations were adopted. The current lists in California Code of Regulations, Title 14, Section 5.05, 5.60, 43(c)(1), 671(c)(3), and 671(c)(7) include some names that are no longer considered valid by the scientific community. In addition, some species that were thought to be only one have been split into two or

more species. This can lead to confusion by Law Enforcement and permittees/licenseses regarding whether a species is allowed to be possessed or not. An updated list of common and scientific names of amphibians and reptiles was developed to clarify which currently recognized species are represented by the existing names in the sport fishing, native reptile captive propagation, and restricted species regulations. The proposed changes to 5.05, 5.60, and 43(c)(1) are consistent with the May 2016 version of the Department's "Complete List of Amphibian, Reptile, Bird and Mammal Species in California," available at : <http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=87155>. Nomenclature changes to restricted species in 671 were obtained from the International Union for Conservation of Nature (IUCN, <http://www.iucnredlist.org/>) and in consultation with herpetological experts.

The proposed changes are solely taxonomic and will not result in a change of sport take or restricted status, with the exception of *Batrachoseps pacificus* and *Thamnophis sirtalis* in 5.05 and 5.60, respectively. The latter corrects the accidental omission of San Mateo County from the special closure area, making the closure consistent with the take language, which specifies no *T. s. tetrataenia*, a fully protected species listed as endangered under both the federal and California Endangered Species Acts (ESA and CESA, respectively) may be taken with a sport fishing license. The former interprets the intent of allowing *B. pacificus* to be taken with sport fishing license. Prior to 2002, *B. pacificus* was considered a very widespread species, ranging from the Central Coast and Channel Islands, Baja California, and the central and southern Sierra Nevada. It was subsequently split into several species, many of which have very small ranges and some of which are species of special concern. Additionally, some of the common species' ranges overlap with those of protected species and are difficult to identify morphologically. *Batrachoseps pacificus*, as it is currently recognized, only occurs on the Channel Islands. The only currently recognized species that is relatively widespread and occurs in an area that does not overlap any currently recognized sensitive *Batrachoseps* spp. and used to be part of the *B. pacificus* complex is *B. major*. Therefore, we propose to replace *B. pacificus* with *B. major*. This change requires inclusion of a special closure to protect *B. major aridus*, which is listed as endangered under ESA and CESA, but it occurs in an area far separated from the rest of the species and any other *Batrachoseps* spp.

Proposal: Update Sections 5.05, 5.60, 43(c)(1), 671(c)(3) and (c)(7), Amphibians, Reptiles, and Restricted Species, respectively

The proposed changes will replace outdated names with valid, currently recognized names and will include the new names of the species that were split, where appropriate.

District General Regulations and Special Fishing Regulations Update for Clarity

To eliminate public confusion and potential enforcement issues, the Department is proposing to further define the bag and possession limits for trout in the District General and Special Fishing regulations sections by adding the word "trout" in the bag and

possession limit column in subsections 7.00(a) through (g) and 7.50(b). Updating the tables will provide consistency with the proposed updated text in sections 7.00 and 7.50(a).

Proposal: Amend Subsections (a) through (g) of Section 7.00, District General Regulations, and Subsection (b) of 7.50, Special Fishing Regulations.

Add the word “trout” throughout Section 7.00, subsections (a) through (g), and Section 7.50, subsection (b), to clarify that bag and possession limits are specific to trout, unless stated otherwise.

San Clemente Lake

San Clemente Dam was removed recently (Summer 2015) to provide unimpeded steelhead access upstream. With the removal of the dam no reservoir remains, therefore there is no body of water to list.

Proposal: Amend Special Fishing Regulations subsection (b)(165) of Section 7.50, San Clemente Lake

Remove special regulation for San Clemente Lake.

Los Padres Reservoir

Los Padres Dam has had a fish trap located downstream where adult steelhead are captured and trucked upstream of the dam. A floating fish collector is being constructed in Los Padres Reservoir and will be completed in Fall 2015. The fish collector is designed to allow passage downstream of steelhead trout, from kelts to juveniles. Since Los Padres is accessible to steelhead, there should be no take of rainbow trout which, with access to the ocean, can become anadromous. Therefore, given the ability to assume an anadromous form, rainbow trout should not be allowed to be taken. All fish taken should be limited to brown trout.

Proposal: Amend Special Fishing Regulations subsection (b)(105) of Section 7.50, Los Padres Reservoir

Prohibit take of rainbow trout in Los Padres Reservoir to reduce take of listed steelhead.

Las Garzas Creek Tributaries

Allowing a partial fishing season on this Carmel River tributary is inconsistent with other regulations for the Carmel River watershed. Removing this creek would result in consistent regulations in the Carmel River watershed.

Proposal: Amend Special Fishing Regulations subsection (b)(97) of Section 7.50, Las Garzas Creek and Tributaries

Remove Las Garzas Creek and its tributaries from the Special Fishing Regulations.

Increase Fishing Opportunity for Landlocked Salmon

Landlocked salmon are stocked into select lakes and reservoirs and are a highly sought after game fish. In the Freshwater Sport Fishing Regulations the statewide daily bag and possession limit is five landlocked salmon in combination. In some reservoirs the landlocked salmon (Kokanee) are abundant, but only obtain a small overall length (<12" TL). Anglers are unsatisfied with only being allowed to take five landlocked salmon per day of this small size. Anglers would like to take and possess more of these small fish each angling day.

To increase angler satisfaction with the landlocked salmon fishery at select waters, the Department proposes an increase to the daily bag and possession limit on select waters. This proposal recommends a daily bag limit increase from five to ten fish per day and possession limit increase from ten to twenty fish, but no more than five can be Chinook salmon. Waters for which the bag and possession limits are recommended for change include: Trinity Lake (Trinity Co.), Lake Pardee (Amador Co.), New Bullards Bar Reservoir (Yuba Co.), Bucks Lake (Plumas Co.), and Scotts Flat Reservoir, Upper (Nevada Co.).

Proposal: Add Subsections (b)(27.5), (b)(130.6), (b)(135.4), (b) 174.1), and (b)(194.6) to Section 7.50, Special Fishing Regulations

Add Trinity Lake, Lake Pardee, New Bullards Bar Reservoir, Bucks Lake, and Upper Scotts Flat Reservoir to the Special Fishing Regulations with a 10 landlocked salmon daily bag limit and 20 landlocked salmon possession limit.

Clarify New Regulation for Landlocked Salmon

In 2015, the Department created a new definition for landlocked salmon and established a daily bag limit of 5 fish and a possession limit of 10 fish as defined in sections 1.57 and 5.41, respectively. The words "or landlocked" were mistakably added to Section 7.00 and, as a result, the adopted language does not significantly change the original regulation for bag and possession limits. The bag and possession limit for trout and salmon (i.e., now landlocked salmon), is still in combination as opposed to a separate limit for trout and another for landlocked salmon. Also, language in 7.50(a) states "trout and salmon in combination." This section also needs to be revised as landlocked salmon and Chinook salmon have their own bag and possession limits and are not meant to be combined with trout bag and possession limits. Therefore, the Department is proposing to revise language in 7.00 and 7.50 that is incorrect or no longer relevant to the existing sport fishery.

Proposal: Amend Section 7.00, District General Regulations, and subsection (a) of 7.50, Special Fishing Regulations.

Revise the language in both sections to read "daily bag and possession limits, unless otherwise noted, mean the total number of trout."

Minor Editorial Corrections for Clarity

In addition to the above proposals, minor editorial corrections are proposed to correct typographical errors and to improve regulation clarity.

There have been no changes in applicable laws or to the effect of the adopted regulations from the laws and effects described in the Notice of Proposed Action.

The Fish and Game Commission adopted the proposed regulations as described in the Notice of Proposed Action, without changes, at its December 8, 2016 meeting.

Also, non-substantive changes to the authority and reference sections are the result of changes to the Fish and Game Code by SB 1473, Chapter 546 which took effect on January 1, 2017. These changes reflect some reorganization within the Fish and Game Code.