

STAFF SUMMARY FOR OCTOBER 11-12, 2017

6. SPORT FISHING**Today's Item**Information Action

Discuss proposed changes to inland sport fishing regulations.

Summary of Previous/Future Actions

- Notice hearing Aug 16, 2017; Sacramento
- **Today's discussion hearing** **Oct 11-12, 2017; Atascadero**
- Adoption hearing Dec 6-7, 2017; San Diego

Background

DFW suggests to combine both DFW proposals and public requests (FGC petitions #2016-003, #2016-006 and #2016-023) for proposed changes to the 2018 inland sport fishing regulations. The draft initial statement of reasons (ISOR; Exhibit 1) identifies a number of proposed changes to current regulations, which are summarized in the staff summary for Agenda Item 7 from the Aug 2017 FGC meeting (Exhibit 2).

California Environmental Quality Act

It is determined that there is no substantial evidence the sport fish project that is the subject of this proposed rulemaking could have a significant effect on the environment. A draft negative declaration was not received in time for the binder, but will be presented to FGC by DFW at the meeting in Atascadero.

Significant Public Comments

Comments were received from a few individuals:

1. Petition #2016-006 (fresh water spearfishing) is not consistent with opportunities afforded other fishers and hunters in the state (Exhibit 3)
2. Opposition to the leader length proposal because it will affect fly fishing (three included as Exhibit 4).
3. Opposition to the ban on scents for lures (Exhibit 5).
4. Opposition to closing the Nimbus Basin to fishing on the American River (Exhibit 6).

In response to the public comments, DFW staff provided this summary of information from the ISOR:

1. The proposal does not exclude, or make unlawful, the addition of weight to artificial flies but, rather, clarifies and defines non-buoyant artificial flies as weight for the purpose of this regulation. The proposed regulation further exempts integrated and sinking fly lines from being considered as weight. Fly anglers will be able to use weighted flies and long leaders; however, it would be unlawful if the distance from any weight (as defined) is longer than 6 feet.
2. The definition of an artificial lure applies only to those waters that are designated in various sections of Title 14 as "artificial lure only" waters. Scent can be used on artificial lures in all other waterbodies in the state. Artificial lure regulations are primarily used for

STAFF SUMMARY FOR OCTOBER 11-12, 2017

salmonid fisheries where the risk of injury and effects from hooking mortality are of concern.

3. The closure of the Nimbus Basin is necessary to protect Chinook salmon and steelhead runs for the future. With the placement of the fish ladder being moved to the south side base of Nimbus Dam, it is critical that fish are protected and provided the opportunity to enter the hatchery or spawn in the recently replaced gravel habitat.

Recommendation (N/A)**Exhibits**

1. [ISOR](#)
2. [Staff summary for Agenda Item 7 \(sport fishing\) from the Aug 2017 FGC meeting](#)
3. [Email from Dennis Hossler, received Sep 11, 2017](#)
4. [Emails from Ken Leiterman, Christopher Loomis, and Vince O'Malley, received Sep 18-20, 2017](#)
5. [Email from J C McHatton, received Sep 24, 2017](#)
6. [Email from Bob Hoppy, received Sep 26, 2017](#)

Motion/Direction (N/A)

ROCK CREEK (SHASTA COUNTY) CLOSURE TO PROTECT SHASTA CRAYFISH

Shasta crayfish (*Pacifastacus fortis*) is listed as an Endangered Species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.)(Cal. Code Regs., tit. 14, § 670.5(B)) and the federal Endangered Species Act (16 U.S.C. § 1531 et seq.)(53 Fed.Reg. 38460-38465 (1988)). The current distribution for Shasta crayfish includes small and isolated spring fed areas in the Fall and Pit River drainages (Shasta County). Rock Creek, in the Hat Creek Drainage, was historically occupied by Shasta crayfish and was recently restored to provide refuge for and aid in the survival of the species. The Department is proposing to close Rock Creek to all fishing all year from Rock Creek spring downstream to Baum Lake. This proposal will aid in the protection of Shasta crayfish and its habitat.

Proposal: Add new subsection (b)(151.5) to Section 7.50, Special Fishing Regulations

Add Rock Creek, in the Hat Creek Drainage, to the Special Fishing Regulations with an all year fishing closure to protect Shasta crayfish.

CLARIFICATION OF NO TAKE OF SALMON IN THE SACRAMENTO AND MCCLOUD RIVERS AND TRIBUTARIES ABOVE SHASTA LAKE

The National Marine Fisheries Service (NMFS) and the US Bureau of Reclamation (BOR) are conducting feasibility studies for the reintroduction of winter-run and spring-run Chinook Salmon into the McCloud and Sacramento rivers. As part of a Fish Passage Pilot Project, federal agencies will be introducing an experimental release of Chinook Salmon into the Sacramento and McCloud drainages starting in 2017 or 2018 and continuing indefinitely. It is imperative that these rivers and their tributaries above Shasta Lake be closed to salmon fishing to reduce salmon loss and increase the success of the Fish Passage Pilot Project.

Proposal: Add new language to Section 7.00, District General Regulations, and to subsection (b)(115), McCloud River, in Section 7.50, Special Fishing Regulations.

Amend the Sierra District Regulations to clarify that all rivers and associated tributaries above Shasta Lake are closed to the take of salmon, and amend subsection (b)(115) to Section 7.50 to direct readers to the District General Regulations. These changes will protect Chinook Salmon when they are reintroduced into the upper Sacramento and McCloud rivers above the Shasta Lake.

AMERICAN RIVER (NIMBUS BASIN) FISHING CLOSURE

Under current regulations, the American River (in Sacramento County) from Nimbus Dam to the Hazel Avenue bridge piers is open to fishing all year (Section 7.50(b)(5)(A)), and from the Hazel Avenue bridge piers to the U.S. Geological

Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish weir is open to fishing January 1 through August 15 (Section 7.50(b)(5)(B)). The current request for closure is designed to protect Chinook Salmon and Central Valley steelhead trout, which will utilize this section of the river for both in-river spawning and rearing along with essential hatchery operations.

The BOR and the Department have completed a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Nimbus Hatchery Fish Passage Project (Project). The primary goal of the Project is to maintain a fully functional system of collecting adult Chinook Salmon and Central Valley steelhead trout sufficient to meet the hatchery's mitigation goals. Phase 1 of the Project extends the Nimbus Hatchery fish ladder 1500 feet (.30 miles) upstream into the Nimbus Basin. With the completion of the new fish ladder, Phase 2 of the Project will permanently remove the existing Nimbus Hatchery fish weir, and spawning gravel injections will be completed within the section of river associated with Section 7.50 (b)(5)(B). A gravel restoration and side channel creation project to create spawning and rearing habitat in the Nimbus Basin was completed in 2014.

However, the Project has the potential to affect Chinook Salmon and Central Valley steelhead trout holding, spawning, and rearing in this section of the lower American River. Under current hatchery operations, large numbers of adult Chinook Salmon and Central Valley steelhead trout hold below the existing fish weir located below the Hazel Avenue bridge before being routed to the fish ladder located at the south end of weir. Fish that enter the hatchery that are not ripe for spawning are released back into the river through the outfall, located approximately 100 feet below the existing fish ladder. As a result, current hatchery operations utilize a small portion of the river below the weir to cycle fish in and out of the hatchery. However, once the existing fish ladder is moved upstream into the Nimbus Basin, the length of river utilized for hatchery operations will increase by approximately 1,500 feet. Upon completion of the Project, holding, spawning, and rearing Chinook Salmon and Central Valley steelhead trout will distribute throughout the hatchery operations area. As a result, the entire section of river should be closed to fishing all year to ensure successful hatchery operations.

Consequently, if the area is not closed to fishing by the Fall of 2018, anglers will continue fishing in the Nimbus Basin downstream to the USGS gauging station and target holding and spawning Chinook Salmon and Central Valley steelhead trout. Although Section 2.35 states that fishing shall not take place within 250 feet of a fish ladder, this would have little effect in protecting salmon and steelhead under the new configuration. The new ladder entrance would be greater than 250 feet from where salmon are expected to hold until the ladder is opened to allow salmon and steelhead into the Nimbus Hatchery. The proposed

closure would also provide the American River Trout Hatchery and Nimbus Hatchery with greater protection from contamination by the New Zealand Mud Snail (NZMS), which have been documented adjacent to the hatchery in Section 7.50(b)(5)(B).

Proposal: Amend subsections (b)(5)(A) and (b)(5)(B) of Section 7.50, Special Fishing Regulations

Combine subsections 7.50(b)(5)(A) and 7.50(b)(5)(B) and close this section of river to fishing all year.

ARTIFICIAL LURE AND BAIT DEFINITION CHANGES

The purpose of the regulation change is to clarify that no scents or flavors shall be used on lures on waters where only artificial lures with barbless hooks may be used. After consulting with wildlife officers on this subject, it has become clear there is some subjectivity in interpreting the current regulation which has resulted in inconsistency and confusion. By clarifying this definition, law enforcement will have increased success enforcing this rule and the public will have a clearer description of this rule.

The definition of a lure (Section 1.60) would be removed from the Freshwater Sport Fishing Regulations and only “artificial lure” would be used. With this change, three substitutions in the current regulations would need to be made: (1) Section 1.05, Angling; (2) Section 1.61, Non-buoyant Lure; and (3) Section 2.10(b)(3), Hook and Weight Restrictions. In all three sections lure would be changed to artificial lure. In addition, the definition of artificial lure would be amended to clarify that only non-scented and non-flavored lures may be used. Lastly, there is currently no definition of bait in Title 14. A definition of bait is needed to help clarify when scents and flavors can be used.

Proposal: Repeal Section 1.60, Lure; Amend Sections 1.05, Angling; 1.11, Artificial Lure; 1.61, Non-buoyant lure; and 2.10, Hook and Weight Restrictions; and add Section 1.18, Bait

Amend multiples sectons in Title 14 to align with the new definitions for artificial lure and bait.

ALLOW BOW AND ARROW FISHING FOR CATFISH

The bow and arrow fishing community has requested the opportunity to fish for catfish in certain waters in the state. Bowfishers have expressed that they often encounter catfish in their pursuit for carp and would like to be able to take catfish as well. This request was considered by Department law enforcement and regional biologists who determined that bowfishing could be allowed on waters with large carp populations and that are popular for bowfishing. These waters include the Sacramento San-Joaquin Delta, Lake Isabella in Kern County and Big Bear Lake in San Bernardino County. Allowing bowfishing for catfish on these waters will increase fishing opportunities for bowfishers.

Proposal: Amend Section 2.25, Bow and Arrow Fishing

Amend Section 2.25 to allow bowfishing for bullheads and catfish in the Sacramento-San Joaquin River Delta, Big Bear Lake in San Bernardino County, and Lake Isabella in Kern County.

REVISION OF MENDOCINO, SONOMA, AND MARIN COUNTIES' LOW FLOW CLOSURE TIME PERIOD TO ALIGN WITH THE ADULT STEELHEAD SEASON

Section 8.00(b) establishes a season for special low flow conditions for Mendocino, Sonoma, and Marin County coastal streams; however, the current end date extends the length of the low flow season past the adult steelhead fishing season on most coastal streams (except Russian River) which provides an unnecessary protection and may potentially confuse anglers. The current sport fishing regulations allow fishing in coastal streams of Mendocino, Sonoma, and Marin counties from the fourth Saturday in May through March 31, except for the Russian River which is open all year. Gear restrictions change from November 1 through March 31 to accommodate fishing for adult steelhead on all Mendocino, Sonoma, and Marin County coastal streams. There is no need for the season of special low flow conditions to extend beyond March 31, as most streams (except Russian River) are closed to any fishing from April 1 until the fourth Saturday in May, which is prior to the end of the current low flow season. The Russian River is the exception because it is open year round due to other sport fisheries such as American shad and smallmouth bass. For consistency, the Russian River should be included in this change, but it would result in the potential reduction of protected days under a low flow closure between April 1 and the fourth Saturday in May (52-57 days depending upon the calendar year). The loss of this additional protection on the Russian River is not likely to be significant as the bulk of the steelhead will have spawned and angler effort targeting steelhead will be low in the months of April and May. The steelhead population on the Russian River is also unlike other coastal streams because it is supplemented with hatchery steelhead. Additionally, the Russian River is a flow regulated stream and flows are likely to be higher in April and May than other coastal streams and less likely to be subject to a low flow closure due to water releases. Conforming the low flow closure season with the end of the adult steelhead fishing season on Mendocino, Sonoma, and Marin County coastal streams helps simplify regulations and reduces confusion between the fishing season and low flow closure season and it would not significantly impact the Russian River steelhead population in the event of low flow conditions in the months of April and May.

Proposal: Amend Subsection (b) of Section 8.00, Low-Flow Restrictions

Revise Section 8.00(b) to redefine the season of the Special Low Flow Conditions to coincide with the end of the adult steelhead fishing season on March 31.

CRAYFISH

In alignment with the proposal to close Rock Creek to fishing to protect Shasta crayfish, Section 5.35 will need to be amended to add Rock Creek to the list of waters where take of crayfish is prohibited. Rock Creek is a tributary to Baum Lake, which is an instream lake of Hat Creek in the Hat Creek Drainage.

Proposal: Amend Section 5.35, Crayfish

Amend Section 5.35 to add Rock Creek to the list of waters where fishing for crayfish is prohibited.

STEELHEAD REPORT AND RESTORATION CARD REQUIREMENTS

Department staff reassessed the fisheries management objectives of the Steelhead Report and Restoration Card and determined that the data being collected, location codes, and reporting instructions and requirements can be simplified. In order to accomplish this, verbiage within Section 5.88 must be changed.

Proposal: Amend Section 5.88, Steelhead Report and Restoration Card Requirements

Remove reference to “wild” steelhead because it is not legal to retain a wild steelhead, and remove the requirement to report the number of hours that were fished for steelhead.

SPORT FISHING REPORT CARD REQUIREMENTS

Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until for 90 days after the reporting deadline.

When a report card is lost, a licensee may wish to obtain a duplicate, or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a duplicate report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a duplicate report card, and also for reporting harvest from a lost report card without obtaining a duplicate report card.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Amend Section 1.74 to update procedures for reporting online and for lost report cards.

RESTRICT LEADER LENGTH TO LESS THAN SIX FEET TO REDUCE POTENTIAL FOUL-HOOKING (SNAGGING) OF SALMON AND STEELHEAD

The Department and the California Fish and Game Commission (Commission) have struggled for years to eliminate and/or regulate snagging salmon. This has proven difficult given that some of the spawning aggregations, habitat, and creative snagging techniques that have evolved over time. Water operations, changes in angling ethics, and population growth likely have also contributed to this ongoing problem. After struggling with these issues statewide, the Commission directed the Department to find a solution.

In 2014, the Department formulated a snagging working group to help evaluate the issue through a structured decision making process. Both Department staff and angling stakeholders participated in multiple meetings. One action resulting from this effort was a directed study to assess the efficacy of a reduced leader length in relation to the “flossing” fishing technique based angling/snagging rig. Although this technique/rig is not the only gear that can be used to purposefully foul-hook salmon, it is currently legal and very effective when used in the right habitat (Feather, American, Sacramento, Yuba, and Klamath rivers) with high densities of spawning/migrating salmon. The results of the study showed a significant correlation with foul-hooking (82-94%) regardless of the leader length and a reduction in landing rates for the shortest leader.

Proposal: Add Section 2.05 to Title 14, Leader Length Restriction

Add the leader length restriction to Title 14, Chapter 2, Article 1, to reduce foul-hooking of salmon and steelhead in anadromous waters.

Updates to Authority and Reference Citations Based on Recent Legislation

Senate Bill 1473 (Stats. 2016, Ch. 546) made organizational changes to the Fish and Game Code that became effective January 1, 2017. The changes included moving the Commission’s exemptions from specified Administrative Procedure Act time frames from Section 202 to Section 265 of the Fish and Game Code, moving the Commission’s organization and meeting from Section 206 to Section 110 of the Fish and Game Code, moving the Commission’s effective date procedures from Section 215 to Section 270 of the Fish and Game Code, and moving the Commission’s authority to adopt emergency regulations from Section 240 to Section 399 of the Fish and Game Code. In accordance with these changes to the Fish and Game Code, sections 202, 206, 215, and 240 are removed from, and sections 110, 265, 270, and 399 are added to, the authority and reference citations for this rulemaking. Senate Bill 1473 also repealed subdivision (b) of Section 220 of the Fish and Game Code; therefore, Section 220 is removed from the list of authority and reference citations for this rulemaking.

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.

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, 205, 219, 265, 270, 315, 316.5, 399, 1050, 1053.1, 1055.1, 7380 and 8491, Fish and Game Code.

Reference: Sections 110, 200, 205, 206, 255, 265, 270, 316.5, 399, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381, 7382, 8490 and 8491, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (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:

Smith River Petition

Petition #2016-023; received by the Commission at its Oct 2016 meeting; at Dec 2016 meeting Commission granted petition for consideration in the 2017 rulemaking for the 2018-19 season.

Petitioner recommends that the Department ban the use of roe as bait for fishing for salmon and steelhead. Petitioner also recommends closing the middle and south forks of the Smith River to fishing in November and December to protect spawning salmon.

Department Response

The current Smith River fishing regulations provide for protection of salmon and steelhead. The Smith River special fishing regulations include limited harvest, seasonal closures, a permanent section closure, and restricted angling gear (Section 7.50(b)(180)). The proposed fishing regulation changes listed in the petition (2016-023) show a local concern for the sport salmon fishery, but are unlikely to achieve the desired outcome based on past and current fish monitoring data for the Smith River. For example, the salmon trends in the Smith River do not indicate a declining trend over time, but show a stable population with normal variability (USFS 1960, Moyle 2002, Larson 2014). Alternatively, local Pacific Oceans trends, which are likely a mix of Oregon and California stocks have shown declines over time and should not be an indicator of Smith River salmon status.

As noted in the petition, hooking mortality as described in the “1997/98 Smith River Survey Summary” report did indicate a 26% swallowing rate for bait and 0% for flies, but the following year 1998/99 Sparkman (2000) indicated 17% of fly caught fish swallowed the hook. While there is no doubt that fish may swallow a hook with any angling method used, the annual variability described in these studies leads to some uncertainty about targeting specific gear types and expectations. In addition, the angler surveys grouped steelhead and salmon together comparing hook swallowing, although steelhead represented the majority of the catch (70-83%) in all years (petitioner is concerned about salmon hook swallowing).

While the Department agrees there are salmon spawning above the “forks” of the Smith River, mainstem Middle and South fork access is mainly limited to shore anglers as drift boats face harsher drift/water

conditions and typical do not fish above the forks. The proposed area/seasonal closure would be targeting a specific user group with no substantial evidence to support the perceived protection for salmon during this time.

Striped Bass Petition

Petition #2016-003; received by the Commission at its Feb 2016 meeting; at April 2016 meeting Commission granted petition for consideration in the 2017 rulemaking for the 2018-19 season.

The petitioner requests a change to the bag, possession, and size limits for striped bass on the San Joaquin River between Friant Dam and Highway 140 in Fresno, Madera, and Merced counties. Petitioner recommends increasing the daily bag limit for striped bass to 10, with no size limit in the San Joaquin River.

Department Response

The Department does not support the proposal because it will not likely accomplish the overall intended purpose, increase juvenile salmon survival at a level of statistical significance, given striped bass life history (ability to recolonize) and lack of prey preference. The confounding part of the striped bass predation issue relative to the San Joaquin River and its tributaries is that, pending location, there can exist both resident and anadromous populations of striped bass. Though the resident population is reduced, in theory, with greater harvest, the anadromous population can overcome any reductions made to resident populations thereby negating any population reduction effects.

Spearfishing Petition

Petition #2016-006; received by the Commission at its Jun 2016 meeting; at Aug 2016 meeting Commission granted petition for consideration in the 2017 rulemaking for the 2018-19 season.

The petitioner requests that the Department make the freshwater spearfishing regulations the same as the freshwater bow and arrow fishing regulations.

Department Response

The Department does not support this proposal because of the safety issues associated with spearfishing as well as potential conflicts with other more common angling and recreational activities. In addition, extensive evaluations would need to be conducted to determine impacts to lakes and streams due to year-round spearfishing. Furthermore, with the current spearfishing regulations, there are already rules and regulations in place at lakes and rivers that are under the jurisdiction of federal, local,

and state agencies, and private organizations that do not permit the use of weapons upon those lands. Allowing the proposal would certainly convolute the new regulation (as it already has) and will not be consistent with what is already established by these organizations.

(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 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 Department assessed the potential for significant statewide adverse economic impacts that might result from the proposed regulatory action, and made the following initial determinations relative to the required statutory categories:

(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.

VII. Economic Impact Assessment:

The proposed regulations will revise and update inland sport fishing regulations starting in 2018. Currently, the seasons, size limits, and bag and possession limits for sport fishing are periodically reviewed by the California Department of Fish and Wildlife and the California Fish and Game Commission. This set of amendments will reduce foul-hooking of salmon, protect Shasta crayfish, protect salmon released above Shasta Dam, clarify regulations for artificial lures and bait, increase protection for Chinook Salmon and steelhead in the lower American River, increasing bow fishing opportunities, update the sport fishing report card requirements, and make needed corrections.

Inland sport fishing regulation's affected parties include recreational anglers, commercial passenger fishing vessels and a variety of businesses that support anglers. The economic impact of regulatory changes for sport fisheries are estimated by tracking resulting changes in fishing effort, angler trips and length of stay in the fishery areas. Distance traveled affects gas and other travel expenditures. Day trips and overnight trips involve different levels of spending for gas, food and accommodations at area businesses as well as different levels of sales tax impacts. Direct expenditures ripple through the economy, as receiving businesses buy intermediate goods from suppliers that then spend that revenue again. Business spending on wages is received by workers who then spend that income, some of which goes to local businesses. Recreational fisheries spending thus multiplies throughout the economy with the indirect and induced effects of the initial direct expenditure.

The adoption of scientifically-based regulations provides for the maintenance of sufficient populations of inland sport fish to ensure their continued existence and future sport fishing opportunities that in turn support businesses related to the fishery economy.

The most recent 2011 U.S. Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation in California reports about 1.35 million resident and nonresident inland sport fish anglers contributed about \$1.2 billion in trip and equipment expenditures to the State's economy. With the addition of the indirect and induced effects of this \$1.2 billion direct revenue contribution, the total economic benefit to California's economy is estimated to be about \$2.03 billion. This corresponds with about \$960 million in total wages to Californians and about 16,000 jobs in the State annually.

This regulatory action may impact businesses that provide services to sport fishermen but these effects are anticipated to range from none to small positive

impacts, depending on the regulations ultimately adopted by the Commission. Sport fishing business owners, boat owners, tackle store owners, boat manufacturers, vendors of food, bait, fuel and lodging, and others that provide goods or services to those that sport fish in California may be positively affected to some degree from increases to business that may result under the range of proposed regulations. These anticipated impacts may vary by geographic location. Additionally, economic impacts to these same businesses may result from a number of factors unrelated to the proposed changes to inland sport fishing regulations, including weather, fuel prices, and success rates in other recreational fisheries that compete for angler trips.

(a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State:

The cumulative effects of the changes statewide are estimated to be neutral to job elimination and potentially positive to job creation in California. No significant changes in fishing effort and sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State:

The cumulative effects of the changes statewide are expected to be neutral to business elimination and have potentially positive impacts to the creation of businesses in California. No significant changes in fishing effort and sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State:

The cumulative effects of the changes statewide are expected to be neutral to positive to the expansion of businesses currently doing business in California. No significant changes in fishing effort and inland sport fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

(d) Benefits of the Regulation to the Health and Welfare of California Residents:

The Commission anticipates benefits to the health and welfare of California residents. Trout and salmon are a nutritious food source and increasing inland sport fishery opportunities encourages consumption of this nutritious food. Sport fishing also contributes to increased mental

health of its practitioners as fishing is a hobby and form of relaxation for many. Sport fishing also provides opportunities for multi-generational family activities and promotes respect for California's environment by younger generations, the future stewards of California's natural resources.

(e) Benefits of the Regulation to Worker Safety:

The proposed regulations are not anticipated to impact worker safety conditions.

(f) Benefits of the Regulation to the State's Environment:

It is the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the inland waters under the jurisdiction and influence of the state for the benefit of all its citizens and to promote the development of local California fisheries. 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 in the quantity that is sufficient to provide a satisfying sport. Adoption of scientifically-based inland 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.

Informative Digest/Policy Statement Overview

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2017 Sport Fishing Regulations Review Cycle. This proposal will reduce foul-hooking of salmon, protect Shasta crayfish, protect salmon released above Shasta Dam, clarify regulations for artificial lures and bait, increase protection for Chinook Salmon and steelhead in the lower American River, increasing bow fishing opportunities, update the sport fishing report card requirements, and make needed corrections to existing regulations. The proposed regulatory changes are needed to reduce public confusion and improve regulatory enforcement.

The Department is proposing the following changes to current regulations:

ROCK CREEK (SHASTA COUNTY) CLOSURE TO PROTECT SHASTA CRAYFISH

Shasta crayfish (*Pacifastacus fortis*) is listed as an Endangered Species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.)(Cal. Code Regs., tit. 14, § 670.5(B)) and the federal Endangered Species Act (16 U.S.C. § 1531 et seq.)(53 Fed.Reg. 38460-38465 (1988)). The current distribution for Shasta crayfish includes small and isolated spring fed areas in the Fall and Pit River drainages (Shasta County). Rock Creek, in the Hat Creek Drainage, was historically occupied by Shasta crayfish and was recently restored to provide refuge for and aid in the survival of the species. The Department is proposing to close Rock Creek to all fishing all year from Rock Creek spring downstream to Baum Lake. The proposed closure will protect Shasta crayfish and its habitat.

Proposal: Add subsection (b)(151.5) to Section 7.50, Special Fishing Regulations
Add Rock Creek, in the Hat Creek Drainage, to the Special Fishing Regulations with an all year fishing closure to protect Shasta crayfish.

CLARIFICATION OF NO TAKE OF SALMON IN THE SACRAMENTO AND MCCLOUD RIVERS AND TRIBUTARIES ABOVE SHASTA LAKE

The National Marine Fisheries Service (NMFS) and the US Bureau of Reclamation (BOR) are conducting feasibility studies for the reintroduction of winter and spring-run Chinook Salmon into the McCloud and Sacramento rivers. As part of a Fish Passage Pilot Project, federal agencies will be introducing an experimental release of Chinook Salmon into the Sacramento and McCloud drainages starting in 2017 or 2018 and continuing indefinitely. It is imperative that these rivers and their tributaries above Shasta Lake are closed to salmon fishing to reduce salmon loss and increase the success of the Fish Passage Project.

Proposal: Add new language to Subsection (b) of Section 7.00, District General Regulations, and to subsection (b)(115), McCloud River, in Section 7.50, Special Fishing Regulations.

Amend the Sierra District Regulations to clarify that all rivers and associated tributaries above Shasta Lake are closed to the take of salmon, and amend subsection (b)(115) of Section 7.50 to direct readers to the District General Regulations. These changes will protect Chinook Salmon when they are reintroduced into the upper Sacramento and McCloud rivers above the Shasta Lake.

AMERICAN RIVER (NIMBUS BASIN) FISHING CLOSURE

Under current regulations, the American River (in Sacramento County) from Nimbus Dam to the Hazel Avenue bridge piers is open to fishing all year (Section 7.50 (b)(5)(A)), and from the Hazel Avenue bridge piers to the U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish weir is open to fishing January 1 through August 15 (Section 7.50(b)(5)(B)). The current request for closure is designed to protect Chinook Salmon and Central Valley steelhead trout, which will utilize this section of the river for both in-river spawning and rearing along with essential hatchery operations.

The BOR and the Department have completed a joint EIS/EIR for the Nimbus Hatchery Fish Passage Project (Project). The primary goal of the Project is to maintain a fully functional system of collecting adult Chinook Salmon and Central Valley steelhead trout sufficient to meet the hatchery's mitigation goals. Phase 1 of the Project extends the Nimbus Hatchery fish ladder 1500 feet (.30 miles) upstream into the Nimbus Basin. With the completion of the new fish ladder, Phase 2 of the Project will permanently remove the existing Nimbus Hatchery fish weir, and spawning gravel injections will be completed within the section of river associated with section 7.50(b)(5)(B). A gravel restoration and side channel creation project to create spawning and rearing habitat in the Nimbus Basin was completed in 2014.

However, the Project has the potential to affect Chinook Salmon and Central Valley steelhead trout holding, spawning, and rearing in this section of the lower American River. Additionally, under current hatchery operations, large numbers of adult Chinook Salmon and Central Valley steelhead trout hold below the existing fish weir located below the Hazel Avenue bridge before being routed to the fish ladder located at the south end of weir. Fish that enter the hatchery that are not ripe for spawning are released back into the river through the outfall, located approximately 100 feet below the existing fish ladder. As a result, current hatchery operations utilize a small portion of the river below the weir to cycle fish in and out of the hatchery. However, once the existing fish ladder is moved upstream into the Nimbus Basin, the length of river utilized for hatchery operations will increase by approximately 1,500 feet. With completion of the Project, holding, spawning, and rearing Chinook Salmon and Central Valley steelhead trout will distribute throughout the hatchery operations area. As a result, the entire section of river should be close to fishing all year to ensure successful hatchery operations.

Consequently, if the regulations are not changed by the Fall of 2018, anglers will continue fishing in the Nimbus Basin downstream to the USGS gauging station and

target holding and spawning Chinook Salmon and Central Valley steelhead trout. Although Section 2.35 states that fishing shall not take place within 250 feet of a fish ladder, this would have little effect in protecting salmon and steelhead under the new configuration. The new ladder entrance would be greater than 250 feet from where salmon are expected to hold until the ladder is opened to allow salmon and steelhead into the Nimbus Hatchery. The regulation change would also provide the American River Trout Hatchery and Nimbus Hatchery with greater protection from contamination by the New Zealand Mud Snail (NZMS), which have been documented adjacent to the hatchery in Section 7.50(b)(5)(B).

Proposal: Amend subsections (b)(5)(A) and (b)(5)(B) of Section 7.50, Special Fishing Regulations

Combine subsections 7.50(b)(5)(A) and 7.50(b)(5)(B) and close this section of river to fishing all year.

ARTIFICIAL LURE AND BAIT DEFINITION CHANGES

The purpose of the regulation change is to clarify that no scents or flavors shall be used on lures on waters where only artificial lures with barbless hooks may be used. After consulting with wildlife officers on this subject, it has become clear there is some subjectivity in interpreting the current regulation which has resulted in inconsistency and confusion. By clarifying this definition, enforcement will have a lesser problem enforcing this rule and the public will have a clearer description of this rule.

The definition of a lure (Section 1.60) would be removed from the Freshwater Sport Fishing Regulations and only “artificial lure” would be used. With this change, three substitutions in the current regulations would need to be made: (1) Section 1.05 Angling; (2) Section 1.61, Non-buoyant Lure; and (3) Section 2.10(3), Hook and Weight Restrictions. In all three sections lure would be changed to artificial lure. In addition, the definition of artificial lure would be amended to clarify that only non-scented and non-flavored lures may be used. Lastly, there is currently no definition of bait in Title 14. A definition of bait is needed to help clarify when scents and flavors can be used.

Proposal: Repeal Section 1.60, Amend Section 1.11, Artificial Lure, and add Section 1.18, Bait

Amend the current definition of artificial lure and add a definition of bait.

ALLOW BOW AND ARROW FISHING FOR CATFISH

The bow and arrow fishing community has requested the opportunity to fish for catfish in certain waters in the state. Bowfishers have expressed that they often encounter catfish in their pursuit for carp and would like to be able to take catfish as well. This request was considered by CDFW law enforcement and regional biologists who determined that bowfishing for bullhead and catfish could be allowed on waters with large carp populations and that are popular for bowfishing. These waters include the Sacramento San-Joaquin Delta, Lake Isabella in Kern County and Big Bear Lake in San Bernardino

County. Allowing bowfishing for catfish on these waters will increase fishing opportunities for bowfishers.

Proposal: Amend Section 2.25, Bow and Arrow Fishing

Amend Section 2.25 to allow bowfishing for bullhead and catfish in the Delta, Big Bear Lake, and Lake Isabel.

REVISION OF MENDOCINO, SONOMA, AND MARIN COUNTIES LOW FLOW CLOSURE TIME PERIOD TO ALING WITH THE ADULT STEELHEAD SEASON

Section 8.00(b) established a season for special low flow conditions for Mendocino, Sonoma, and Marin County coastal streams; however, the current end date extends the length of the low flow season past the adult steelhead fishing season on most coastal stream (except Russian River) which provides an unnecessary protection and may potentially confuse anglers. The current sport fishing regulations provides fishing in coastal streams of Mendocino, Sonoma, and Marin counties from the fourth Saturday in May through March 31, except for the Russian River which is open all year. Gear restrictions change from November 1 through March 31, to accommodate fishing for adult steelhead on all Mendocino, Sonoma, and Marin County coastal streams. There is no need for the season of special low flow conditions to extend beyond March 31, as most streams (except Russian River) are closed to any fishing from April 1 until the fourth Saturday in May, which is prior to the end of the current low flow season. The Russian River is the exception because it is open year round due to other sport fisheries such as American shad and smallmouth bass. For consistency, the Russian River should be included in this change, but it would result in the potential reduction of protected days under a low flow closure between April 1 and the fourth Saturday in May (52-57 days depending upon the calendar year). The loss of this additional protection on the Russian River is not likely to be significant as the bulk of the steelhead will have spawned and angler effort targeting steelhead will be low in the months of April and May. The steelhead population on the Russian River is also unlike other coastal streams because it is supplemented with hatchery steelhead. Additionally, the Russian River is a flow regulated stream and flows are likely to be higher in April and May than other coastal streams and less likely to be subject to a low flow closure due to water releases. Conforming the low flow closure season with the end of the adult steelhead fishing season on Mendocino, Sonoma, and Marin County coastal streams helps simplify regulations and reduces confusion between the fishing season and low flow closure season and it would not significantly impact the Russian River steelhead population in the event of low flow conditions in the months of April and May.

Proposal: Amend Subsection (b) of Section 8.00, Low-Flow Restrictions

Revise Section 8.00 (b) to redefine the season of the Special Low Flow Conditions to coincide with the end of the adult steelhead fishing season on March 31.

CRAYFISH

In alignment with the proposal to close Rock Creek to fishing to protect Shasta crayfish, Section 5.35 would need to be amended to add Rock Creek to the list of waters where

take of crayfish is prohibited. Rock Creek is in the Hat Creek Drainage in Shasta County.

Proposal: Amend Section 5.35, Crayfish

Amend Section 5.35 to add Rock Creek to the list of waters where fishing for crayfish is prohibited.

STEELHEAD REPORT AND RESTORATION CARD REQUIREMENTS

Department staff reassessed the fisheries management objectives of the Steelhead Report and Restoration Card and determined that the data being collected, location codes, and reporting instructions and requirements can be simplified. In order to accomplish this, verbiage within Section 5.88 must be changed.

Proposal: Amend Section 5.88, Steelhead Report and Restoration Card Requirements

Remove reference to “wild” steelhead because it is not legal to retain a wild steelhead, and remove the requirement to report the number of hours that were fished for steelhead.

SPORT FISHING REPORT CARD REQUIREMENTS

CCR Section 1.74 establishes guidelines for report card regulations including reporting harvest authorized by a report card; however, this section does not include a mechanism for confirmation that data from a report card has been reported. This proposal requires report card holders who submit data online to write the provided confirmation number on their report card and retain the report card until for 90 days after the reporting deadline.

When a report card is lost, a licensee may wish to obtain a duplicate, or may simply need to fulfill the harvest reporting requirement before the reporting deadline. Section 1.74 does not currently provide guidelines for licensees who have lost their report card and need to report their harvest, but do not need to obtain a duplicate report card. This proposal updates procedures regarding lost report cards to provide guidelines for obtaining a duplicate report card, and also for reporting harvest from a lost report card without obtaining a duplicate report card.

Proposal: Amend Section 1.74, Sport Fishing Report Card Requirements

Amend Section 1.74 to update procedures for reporting online and for lost report cards.

RESTRICT LEADER LENGTH TO LESS THAN SIX FEET TO REDUCE POTENTIAL FOUL-HOOKING (SNAGGING) OF SALMON AND STEELHEAD

The Department and the Fish and Game Commission (Commission) have struggled for years to eliminate and/or regulate snagging salmon. This has proven difficult given some of the spawning aggregations, habitat, and creative snagging techniques that have evolved over time. Water operations, changes in angling ethics, and population growth likely have also contributed to this ongoing problem. After struggling with these issues statewide, the Commission directed the Department to find a solution.

In 2014, the Department formulated a snagging working group to help evaluate the issue through a structured decision making process. Department staff and angling stakeholders participated in multiple meetings. One action resulting from this effort was a directed study to assess the efficacy of a reduced leader length in relation to the “flossing” fishing techniques based angling/snagging rig. Although this technique/rig is not the only gear that can be used to purposefully foul-hook salmon, it is currently legal and very effective when used in the right habitat (Feather, American, Sacramento, Yuba, and Klamath rivers) with high densities of spawning/migrating salmon. The results of the study showed a significant correlation with foul-hooking (82-94%) regardless of the leader length and a reduction in landing rates for the shortest leader.

Proposal: Add Section 2.05 to Title 14, Leader Length Restriction

Add the leader length restriction to Title 14, Chapter 2, Article 1, to reduce foul-hooking of salmon and steelhead in anadromous waters.

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.

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.

Regulatory Language

Section 1.05, Title 14, CCR, is amended as follows:

§ 1.05. Angling.

Angling means take of fish by hook and line with the line held in the hand, or with the line attached to a pole or rod held in the hand or closely attended in such manner that the fish voluntarily takes the bait or artificial lure inside its mouth.

Note: Authority cited: Sections 200, ~~202~~, 205, ~~210~~, 219 and ~~220~~265, Fish and Game Code. Reference: Sections 2, 15, 200, ~~202~~, 205, ~~206~~, ~~215~~265 and ~~220~~270, Fish and Game Code.

Section 1.11, Title 14, CCR, is amended as follows:

§1.11. Artificial Lure

~~An artificial lure is a man-made lure or fly designed to attract fish. This definition does not include scented or flavored artificial baits.~~

Any manufactured or man-made non-scented/flavored (regardless if scent is added in the manufacturing process or added afterwards) device complete with hooks, intended to attract fish. Artificial lures include, but are not limited to; spoons, spinners, artificial flies, and plugs, made of metal, plastic, wood, or other non-edible materials.

Note:

Authority cited: Sections 200, 205, ~~210~~, ~~219~~ and 219, Fish and Game Code. Reference: Sections 203.1 and 5516, Fish and Game Code.

Section 1.18 is added to Title 14, CCR, as follows:

§1.18. Bait.

Any natural or manufactured product or device which is used to attract fish by the sense of taste or smell, including any product or device to which scents or flavored attractants have been added or externally applied. Bait includes, but is not limited to; scented and flavored paste, scented manufactured fish eggs, and traditional organic baits such as worms, grubs, crickets, leeches, stink baits, insects, crayfish, human food, fish, fish parts, and fish eggs.

Authority cited: Sections 200, 205, 219 and Fish and Game Code. Reference: Sections 203.1 and 205, Fish and Game Code.

Section 1.60 is repealed from Title 14, CCR, as follows:

~~§ 1.60. Lure.~~

~~A manufactured article or object equipped with one or more hooks designed to attract or catch fish.~~

Note: Authority cited: Sections 200, 202, 205, 210 and 220, Fish and Game Code.
Reference: Sections 200, 202, 205, 206, 209, 210, 215 and 220, Fish and Game Code.

Section 1.61, Title 14, CCR, is amended as follows:

§ 1.61. Non-Buoyant Artificial Lure.

Any artificial lure that sinks in freshwater.

Note: Authority cited: Sections 200, ~~202~~, 205, 210 and ~~220~~, Fish and Game Code.

Reference: Sections 200, ~~202~~, 205, 206, 209, 210, ~~215~~ and ~~220~~270, Fish and Game Code.

Section 1.74, Title 14, CCR, is amended as follows:

§1.74. Sport Fishing Report Card Requirements.

(a) Purpose. These regulations are designed to improve recreational fishing effort and catch information in some or all areas where the fisheries operate. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

(b) Report card requirements apply to any person fishing for or taking the following species regardless of whether a sport fishing license is required:

(1) Salmon, in the anadromous waters of the Klamath, Trinity, and Smith river basins. Anadromous waters are defined in Section 1.04 of these regulations.

(2) Steelhead trout.

(3) White sturgeon.

(4) Red abalone.

(5) California spiny lobster.

(c) General Report Card Requirements.

(1) Any person fishing for or taking any of the species identified in this Section shall have in his immediate possession a valid non-transferable report card issued by the department for the particular species. See special exemption regarding possession of report cards for lobster divers in Section 29.91 of these regulations.

(2) All entries made on any report card or tag shall be legible and in indelible ink.

(3) A report card holder fishing with a one, two, or ten-day sport fishing license, may replace the expired fishing license without purchasing a new report card so long as the report card is still valid.

(4) Report cards are not transferable and shall not be transferred to another person. No person shall possess any report card other than his own.

(5) A person may only obtain one abalone report card and one sturgeon report card per report card period.

(6) Any report card holder who fills in all available lines on his steelhead, salmon or lobster report card shall return or report the card to the department pursuant to subsection 1.74(e) prior to purchasing a second card.

(7) Data recording and tagging procedures vary between report cards and species. See specific regulations in sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 that apply in addition to the regulations of this Section.

(d) Report Card Return and Reporting Requirements

(1) Report card holders shall return or report their salmon, steelhead, sturgeon, or abalone report cards to the department pursuant to subsection 1.74(e) by January 31 of the following year.

(A) Any report card holder who fails to return or report his salmon, steelhead, sturgeon, or abalone report card to the department by the deadline may be restricted from obtaining the same card in a subsequent license year or may be subject to an additional fee for the issuance of the same card in a subsequent license year.

(2) Report card holders shall return or report their lobster report cards pursuant to subsection 1.74(e) by April 30 following the close of the lobster season for which the card was issued.

(A) Any report card holder who fails to return or report his or her lobster report card by April 30 following the close of the lobster season specified on the card shall be subject to a nonrefundable non-return fee specified in Section 701, in addition to the annual report card fee, for the issuance of a lobster report card in the subsequent fishing season.

(e) Report Card Return and Reporting Mechanisms:

(1) By mail or in person at the address specified on the card. A report card returned by mail shall be postmarked by the date applicable to that card as specified in subsection 1.74(d)(1), or 1.74(d)(2).

(2) Online through the department's license sales service website by the date applicable to that card as specified in subsection 1.74(d)(1) or 1.74(d)(2).

Report card holders reporting online will be provided a confirmation number upon successful submission. The report card holder must record the provided confirmation number in the space provided on the report card and retain the report card for 90 days after the reporting deadline. Report cards submitted online must be surrendered to the department upon demand.

(3) If a report card is submitted by mail and not received by the department, it is considered not returned unless the report card holder reports his or her report card as lost pursuant to subsection 1.74(f).

~~(f) Lost report cards.~~

~~(1) Any report card holder who loses his report card shall submit an affidavit, signed under penalty of perjury, in person to a department license sales office containing all of the following information:~~

~~(A) A statement containing the report card holder's full name confirming that the originally issued report card cannot be recovered.~~

~~(B) A statement containing the report card holder's best recollection of the prior catch records that were entered on the report card that was lost.~~

~~(C) A statement describing the factual circumstances surrounding the loss of the card.~~

~~(2) An affidavit for a lost report card shall be presented at a department license sales office, by the date applicable to that card specified in subsection 1.74(d)(1) or 1.74(d)(2) to be considered returned.~~

~~(3) Notwithstanding subsection 1.74(c)(5), any report card holder who loses his report card during the period for which it is valid may replace the lost report card by submitting an affidavit as described in subsection 1.74(f)(1) and payment of the report card fee and replacement processing fee specified in Section 701.~~

~~(A) Based on the information provided in the written affidavit for abalone and sturgeon report cards, the department shall issue only the number of tags that were reported unused on the previously issued report card.~~

(f) Lost report cards.

(1) Any report card holder who loses his report card shall submit an affidavit, signed under penalty of perjury, to a department license sales office containing all of the following information:

(A) The report card holder's full name and a statement confirming that the originally issued report card is lost and cannot be recovered.

(B) A statement containing the report card holder's best recollection of the prior catch that were entered on the report card that was lost.

(C) A statement describing the factual circumstances surrounding the loss of the report card.

(2) No Duplicate Requested or Available. Any report card holder who lost his or her report card and is not obtaining a duplicate report card shall ensure that the steps are completed:

(A) The report card holder shall submit an affidavit as described in subsection 1.74(f)(1). If the report card holder previously submitted the harvest report card data online, the report card holder must include the confirmation number for the harvest report on the affidavit.

(B) If the report card holder has not reported the data from the lost report card via the online site, department staff shall enter the harvest information from the affidavit.

(C) An affidavit for a lost report card shall be submitted to a department license sales office, by the harvest report submission deadline date applicable to that report card specified in subsection 1.74(d)(1) or 1.74(d)(2) to be considered returned.

(3) Duplicate Report Card Requested. Notwithstanding subsection 1.74(c)(5), any report card holder who loses his or her report card during the period for which it is valid may replace the lost original report card by completion of the following:

(A) Submitting an affidavit as described in subsection 1.74(f)(1).

(B) Submitting payment of the report card fee and the nonrefundable replacement processing fee specified in Section 701.

(C) Department staff shall enter the harvest information from the affidavit to the duplicate report card. Note: the original report card should not be reported. Instead, the data from the original will be reported on the duplicate report card.

(D) Based on the information provided on the affidavit for abalone and sturgeon report cards, department staff shall remove tags reported as used and issue only the number of tags that were reported unused on the lost original report card.

(E) Report card holders shall verify that the harvest information has been accurately transferred from the affidavit to his or her duplicate report card.

(F) The duplicate report card shall be reported pursuant to the requirements for the original report card as specified in subsection 1.74(d).

Note: Authority cited: Sections 200, 205, 1050, 1053.1, 1055.1 and 7380, Fish and Game Code. Reference: Sections 200, 205, ~~206~~, 713, 1050, 1053.1, 1055.1, 7149.8, 7380, 7381 and 7382, Fish and Game Code.

Subsection 2.05 is added to Section 2.00, Title 14, CCR, as follows:

§2.05. Leader Length Restriction

It shall be unlawful to use any configuration of fishing tackle in anadromous waters unless the distance between the terminal hook or terminal lure and any weight attached to the line or leader, whether fixed or sliding, is less than six feet. For purposes of this section, "weight" includes any product used to submerge the line or leader, including non-buoyant artificial flies or artificial lures, but does not include integrated or sinking fly fishing lines, lead core lines used while trolling from a boat, dropper weights used while trolling from a boat, or clipped weights used with downrigger systems.

Note: Authority cited: Sections 200, 205, and 219, Fish and Game Code. Reference: Sections 203.1 and 205, Fish and Game Code.

Section 2.10, Title 14, CCR, is amended as follows:

§ 2.10. Hook and Weight Restrictions.

(a) Definition of Gap: For the purposes of this section, "gap" means the distance measured from the point of a hook to the shank.

(b) Maximum Gaps and Gear Rigging for Rivers and Streams unless otherwise provided (does not apply to lakes and reservoirs, the Sacramento-San Joaquin Delta (see Section 1.71 for definition of the Delta), and the Colorado River.

1. No person shall use any single hook with a gap greater than 1 inch or any multiple hook with a gap greater than 3/4 inch.

2. It is unlawful to use any hook which is directly or indirectly attached closer than 18 inches to any weight exceeding 1/2 ounce.

3. It is unlawful to use any multiple hook or more than one single hook on non-buoyant artificial lures exceeding one ounce.

4. It is unlawful to use any weight directly attached below a hook.

(c) Maximum Gaps for the Sacramento-San Joaquin Delta (see Section 1.71 for definition of the Delta).

1. No person shall use any single hook with a gap greater than 1 inch or any multiple hook with a gap greater than 3/4 inch.

Note: Authority cited: Sections 200, ~~202~~, 205 and ~~220~~219, Fish and Game Code.

Reference: Sections 200, ~~202~~, and 205 and ~~220~~, Fish and Game Code.

Section 2.25, Title 14, CCR, is amended as follows:

§2.25. Bow and Arrow Fishing.

(a) Bow and arrow fishing is permitted only for the taking of carp, goldfish, western sucker, Sacramento blackfish, hardhead, Sacramento pike minnow and lamprey, all year, except in:

~~(a)(1)~~ Designated salmon spawning areas (See Fish and Game Code Section 1505).
~~(b)(2)~~ The Colorado River District where only carp, tilapia, goldfish and mullet may be taken.

~~(c)(3)~~ See bullfrogs (~~s~~Section 5.05).

~~(d)(4)~~ The East Fork of the Walker River between Bridgeport Dam and the Nevada State line where only carp may be taken.

(b) Bow and arrow fishing is permitted for bullheads and catfish in the following waters:

(1) Within the boundaries of the Sacramento-San Joaquin River Delta (See Section 1.71).

(2) Big Bear Lake in San Bernardino County.

(3) Lake Isabella in Kern County.

Note: Authority cited: Sections 200, ~~202~~, 205, ~~210~~, 219, ~~265~~ and ~~220~~275, Fish and Game Code. Reference: Sections 110, 200, ~~202~~, 203.1, ~~206~~, 207, ~~210~~, 217.5, 217.6, ~~219~~ and ~~220~~219, 255, 265 and 275, Fish and Game Code.

Section 5.35, Title 14, CCR, is amended as follows:

§5.35. Crayfish.

(a) Open season: All year, except for closures listed in subsection (d) of this Section.

(b) Limit: No limit.

(c) Methods of take: Crayfish may be taken only by hand, hook and line, dip net or with traps not over three feet in greatest dimension. Any other species taken shall be returned to the water immediately. Traps need not be closely attended.

(d) Closures for Protection of Shasta Crayfish: Rock Creek (in the Hat Creek Drainage in Shasta County), Fall River upstream of Spring Creek Bridge, Lava Creek, Tule River and all connected waters upstream of Little Tule River, Sucker Springs Creek, Crystal Lake, Rising River and Rising River Lake are closed to take and possession of crayfish. (See Section 4.30 for prohibition against crayfish use for bait in sections of the Pit River).

(e) The season closures in Chapter 3 (District Trout and Salmon Special Regulations) do not apply to crayfish fishing with methods other than hook and line (see sections 7.00 and 7.50(a)(~~2~~3)).

Note: Authority cited: Sections 200, ~~202~~, 205, ~~215~~265, 270 and 8491, Fish and Game Code. Reference: Sections 110, 200, ~~202~~, 205, ~~206~~265, 8490 and 8491, Fish and Game Code.

Section 5.41, Title 14, CCR, is amended as follows:

§ 5.41. Landlocked Salmon.

(a) Open season: All year

(b) Daily bag limit: Five

(c) Possession limit: Ten

(d) Size limit: None

(e) See exceptions in Section 7.50(b) for Bucks Lake, Lake Pardee, New Bullards Bar Reservoir, upper Scotts Flat Reservoir, and Trinity Reservoir.

Note: Authority cited: Sections 200, ~~202, 205, 240, 219,~~ and 220, 255 and 265, Fish and Game Code. Reference: Sections 200, ~~202, 205, 240, 215,~~ and 220, 255 and 265, Fish and Game Code.

Section 5.88, Title 14, CCR, is amended as follows:

§ 5.88. Steelhead Report and Restoration Card Requirements for Inland Waters (FG 682, See Section 701).

(a) Steelhead Fishing Report and Restoration Card Required. All anglers must have a Steelhead Fishing Report and Restoration Card in their possession while fishing for or taking steelhead in anadromous waters, as defined in Section 1.04. Anglers must complete and return the card pursuant to regulations in this Section and in Section 1.74. For purposes of these regulations, a steelhead trout is defined as any rainbow trout greater than 16 inches in length found in anadromous waters.

(b) Prior to beginning fishing activity, the cardholder must record the month, day, and location code on the first available line on the report card.

(c) When a hatchery steelhead is retained, the cardholder must immediately ~~fill in a circle indicating whether the fish is a wild fish or a hatchery fish~~ mark the appropriate field.

(d) When the cardholder moves to another location code, or finishes fishing for the day, the angler must immediately record on the card the number of wild and hatchery fish steelhead that were released from that location—.

(e) In the event an angler fills in all lines and returns a Steelhead Fishing Report and Restoration Card, an additional card ~~may~~must be purchased to continue to fish for steelhead. See Section 1.74.

(f) The annual fee for the Steelhead Fishing Report and Restoration Card is specified in Section 7380 of the Fish and Game Code.

Note: Authority cited: Section 7380, Fish and Game Code. Reference: Sections 7380 and 7381, Fish and Game Code.

Section 7.00, Title 14, CCR, is amended as follows:

§7.00. District General Regulations.

Unless otherwise provided, waters shown as open to trout fishing in subsections (a) through (g) below, are open to fishing for other species. Gear restrictions listed in this section apply to the take of all species of fish unless otherwise noted. Every body of water listed in subsections (a) through (g) of Section 7.00 (below) is closed to all fishing, except during the open season as shown. Unless otherwise provided, waters closed to trout fishing are closed to fishing for all other species, except that these closures do not apply to fishing for amphibians (see Section 5.05), freshwater clams (see Section 5.20), crayfish (see Section 5.35), and lamprey (see Section 5.40), using legal fishing methods other than hook-and-line fishing, and saltwater clams, crabs, ghost shrimp, and blue mud shrimp (see Ocean Regulations Booklet Sections 29.20 to 29.87). Crabs may only

be taken using hoop nets or by hand, and Dungeness crab may only be taken within the North Coast District and Sonoma and Mendocino counties.

Daily bag and possession limits, unless otherwise provided, mean the total number of trout. Unless otherwise provided, no more than one daily bag limit may be possessed. Coho (silver) salmon may not be taken in any of the waters of the State, except in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam. Incidentally hooked Coho (silver) salmon, except those in Lake Oroville and Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River from the Diversion Pool Dam to the Fish Barrier Dam, must be immediately released unharmed to the waters where they are hooked. In waters where the bag limit for trout is zero, fish for which the bag limit is zero must be released unharmed, and should not be removed from the water.

These waters may also be subject to restrictions on fishing methods and gear (sections 2.00 through 2.45), fishing hours (section 3.00), and the use of bait (sections 4.00 through 4.30).

...[No changes to subsection (a)]

(b) Sierra District		
(1) <u>All rivers and associated tributaries above Lake Shasta.</u>	Closed to the take of salmon.	
(42) Anadromous waters of Tehama and Shasta counties not listed in the Special Regulations. (Section 7.50). (See subsections (b)(156) and (b)(156.5) of Section 7.50, regarding the Sacramento River.)	Last Saturday in Apr. through Nov. 15. Only artificial lures and barbless hooks may be used.	2 hatchery trout or hatchery steelhead*. 4 hatchery trout or hatchery steelhead* in possession. Closed to the take of salmon.
(23) All lakes and reservoirs except those in the Fall River Valley, those in Inyo and Mono counties and those listed by name in the Special Regulations.	All year.	5 trout per day. 10 trout in possession.
(34) All streams, lakes and reservoirs in Inyo and Mono counties, except those listed by name in the Special Regulations.	Last Saturday in Apr. through Nov. 15.	5 trout per day. 10 trout in possession.

<p>(45) All streams, lakes and reservoirs in the Fall River Valley above the Pit No. 1 PG&E Diversion Dam on Fall River in Shasta County, except those listed by name in the Special Regulations.</p>	<p>Last Saturday in Apr. through Nov. 15.</p>	<p>2 trout</p>
<p>(56) All streams in Lassen and Modoc counties east of Highway 395 and north of Clarks Valley Road. Clarks Valley Road is defined as those portions of county routes 510, 512 and 506 running easterly from the town of Madeline to the Nevada border.</p>	<p>Saturday preceding Memorial Day through Nov. 15.</p>	<p>5 trout per day. 10 trout in possession.</p>
<p>(67) All other streams except those listed by name in the Special Regulations.</p>	<p>Last Saturday in Apr. through Nov. 15.</p>	<p>5 trout per day. 10 trout in possession.</p>
<p>(78) Mono County waters, when closed to trout fishing, are closed to all fishing, except for the unrestricted portions of Fish Slough which are open to fishing all year. Also, see Mono County waters listed in sections 5.00 and 7.50.</p>		
<p>(89) SPECIAL BROOK TROUT BONUS BAG AND POSSESSION LIMIT: (A) IN SIERRA DISTRICT WATERS OF SISKIYOU, SHASTA AND TEHAMA COUNTIES, UP TO 10 BROOK TROUT PER DAY LESS THAN 8 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT. (B) IN THE SIERRA DISTRICT SOUTH OF INTERSTATE 80, UP TO 10 BROOK TROUT PER DAY LESS THAN 10 INCHES TOTAL LENGTH MAY BE TAKEN AND POSSESSED IN ADDITION TO THE OTHER DAILY BAG AND POSSESSION LIMITS SPECIFIED FOR THE SIERRA DISTRICT. THIS ALLOWANCE DOES NOT INCLUDE RED LAKE IN ALPINE COUNTY OR KIRMAN, LANE OR ROOSEVELT LAKES IN MONO COUNTY.</p>		

...[No changes to subsection (c) through (g)]

Note: Authority cited: Sections 200, ~~202, 205, 220265~~ and ~~240399~~, Fish and Game Code. Reference: Sections 110, 200, 205 and 206, Fish and Game Code.

Section 7.50, Title 14, CCR, is amended as follows:

§7.50. Alphabetical List of Waters with Special Fishing Regulations.

. . . [No changes to subsections (a) through (b)(4)]

Body of Water	Open Season and Special Regulations	Daily Bag and Possession Limit
(5) American River (Sacramento Co.)		
(A) From Nimbus Dam to the Hazel Avenue bridge piers. <u>U.S. Geological Survey gauging station cable crossing about 300 yards downstream from the Nimbus Hatchery fish rack site.</u>	Jan. 1 through July 15. <u>Closed to all fishing all year.</u>	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook salmon. 4 Chinook salmon in possession.
	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Aug. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

Hatchery fish rack site.		2 Chinook salmon. 4 Chinook salmon in possession.
	Jan. 1 through July 15. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Oct. 31. Only barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession.
	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession. 2 Chinook Salmon. 4 Chinook Salmon in possession.
	Jan. 1 through July 15.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
	July 16 through Dec. 16.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

		2 Chinook Salmon. 4 Chinook Salmon in possession.
	Dec. 17 through Dec. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
. . . [No changes to subsections (b)(6) through (b)(14)]		
(15) Bear Creek and tributaries (Shasta and Siskiyou Cos.) between Ponderosa Ponderosa Way bridge and confluence with Fall River.	Saturday preceding Memorial Day through Nov. 15	5 trout per day. 10 trout in possession.
. . . [No changes to subsections (b)(17) through (b)(22)]		
(23) Big Sur River (Monterey Co.).		
(A) Big Sur river and tributaries above the upstream end of the gorge pool at the boundary of Pfeiffer Big Sur State Park with <u>within</u> the Ventana Wilderness Area.	Fourth Saturday in May through Oct. 31. Only artificial lures with barbless hooks may be used.	0 trout.
(B) Big Sur river within Pfeiffer Big Sur State Park, east of the Highway 1 bridge, to its boundary with <u>within</u> the Ventana Wilderness Area.	Closed to fishing all year.	

... [No changes to subsections (b)(23.5) through (b)(26)]		
(26.5) Bridgeport Reservoir <u>Tributaries</u> (Mono Co.).		
All Bridgeport Reservoir tributaries except Swauger Creek, from Bridgeport Reservoir upstream to Highway 395, and Swauger Creek, from Bridgeport Reservoir upstream to the private property fence line above the Forest Service campground.	Last Saturday in April through the Friday preceding Memorial Day and Oct. 1 through Nov. 15. Minimum size limit: 18 inches total length. Only artificial lures with barbless hooks may be used.	1 trout.
(27) Brush Creek (Mendocino Co.). <u>Main stem below the Lawson bridge.</u> Also see Section 8.00(c).	<u>Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.</u>	<u>2 hatchery trout or hatchery steelhead**.</u> <u>4 hatchery trout or hatchery steelhead** in possession.</u>
Main stem below the Lawson bridge.	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
... [No changes to subsections (b)(28) through (b)(36)]		

(37) Carmel River below Los Padres Dam- (Monterey Co.).		
(A) Carmel River tributaries below Los Padres Dam and main stem from Los Padres Dam to the bridge at Robles Del Rio/Esquiline roads (Rosie's Bridge).	Closed to all fishing all year.	
(B) Carmel River main stem below the bridge at Robles Del Rio/Esquiline roads (Rosie's Bridge). Also , <u>Also</u> see Section 8.00(c).	Dec. 1 through Mar. 7, but only on Sat., Sun., Wed., and opening and closing days. Only artificial lures with barbless hooks may be used.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
... [No changes to subsections (b)(38) through (b)(46)]		
(47) Cottoneva Creek (Mendocino Co.). Also see Section 8.00(b). Main stem below the confluence of South Fork Cottoneva Creek. <u>Also see Section 8.00(b).</u>	Fourth Saturday in May through Mar. 31. Only artificial lures with barbless hooks may be used from the fourth Saturday in May through Oct. 31. Only barbless hooks may be used from Nov. 1 through Mar. 31.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.
... [No changes to subsections (b)(48) through (b)(51)]		
(52) Crooked Creek (Mono Co.).		
(A) Crooked Creek below the City of Los Angeles gauging station.	Closed to all fishing all year.	

(B) Crooked Creek and tributaries above the <u>City of Los Angeles</u> gauging station.	Last Saturday in April through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
... [No changes to subsection (b)(114)]		
(115) McCloud River and tributaries (Shasta and Siskiyou cos.).	<u>Also see Sierra District General Regulations (Section 7.00(b)).</u>	
(A) Moosehead Creek and all tributaries.	Closed to all fishing all year.	
(B) McKay Creek and all tributaries including Sheepheaven Spring.	Closed to all fishing all year.	
(C) Edson Creek and all tributaries, excluding Dry Creek.	Closed to all fishing all year.	
(D) Swamp Creek and all tributaries.	Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(E) McCloud River from McCloud Dam downstream to confluence of Ladybug Creek.	Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used.	2 trout.

(F) McCloud River from confluence of Ladybug Creek downstream to lower boundary of the U.S. Forest Service loop (southern boundary of section 36, T38N, R3W).	Last Saturday in Apr. through Nov. 15. Only artificial lures with barbless hooks may be used.	0 trout.
(G) McCloud River from the lower boundary of the U.S. Forest Service loop (southern boundary of section 36, T38N, R3W) downstream to the upper boundary of the McCloud River Club (southern boundary of section 14, T37N, R3W).	Closed to all fishing all year.	
... [No changes to subsections (b)(115.2) through (b)(151)]		
<u>(151.5) Rock Creek in the Hat Creek Drainage (Shasta Co.) from Rock Creek spring (origin) downstream to Baum Lake.</u>	Closed to all fishing all year.	
... [No changes to subsections (b)(152) through (b)(169)]		
(170) San Luis Obispo Creek (San Luis Obispo Co.) from mouth to the	All year.	2 hatchery trout or hatchery steelhead**. 4 hatchery trout or hatchery steelhead** in possession.

first and most southwestern highway 1/101 bridge (the first bridge upstream from the lagoon).		
. . . [No changes to subsections (b)(170.1) through (b)(212)]		

* Wild Chinook Salmon are those not showing a healed adipose fin clip and not showing a healed left ventral fin clip.

**Hatchery trout or steelhead in anadromous waters are those showing a healed adipose fin clip (adipose fin is absent). Unless otherwise provided, all other trout and steelhead must be immediately released. Wild trout or steelhead are those not showing a healed adipose fin clip (adipose fin is present).

Note: Authority cited: Sections 200, 205, 265, 270, 315, 316.5 and 399, Fish and Game Code. Reference: Sections 200, 205, 265, 270 and 316.5, Fish and Game Code.

Subsection b of Section 8.00, Title 14, CCR, is amended as follows:

§ 8.00. Low-Flow Restrictions.

(b) Mendocino, Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions. From October 1 through ~~April 30~~March 31 as follows:

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to all angling on Tuesday and Wednesday when the department determines that the flow on the previous Monday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) through (4).

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to all angling on Thursday and Friday when the department determines that the flow on the previous Wednesday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) though (4).

Any of the stream reaches listed in subsections (1) through (4) below shall be closed to all angling from Saturday through Monday when the department determines that the flow on the previous Friday at the applicable designated gauging stations is less than the minimum flows set forth in subsections (1) through (4).

Notwithstanding this provision, the department may close or keep a stream reach closed to fishing when the minimum flow is exceeded on the scheduled flow determination day if the department is reasonably assured that the stream flow is likely to decrease below the minimum flow as specified in the corresponding subsections (b)(1) through (4) before or on the next flow-determination date.

In addition, the department may reopen a stream at any time during a closed period if the minimum flow as specified in the corresponding subsections (b)(1) through (4) is

exceeded and the department is reasonably assured that it will remain above the minimum flow until the next scheduled Monday, Wednesday, or Friday flow determination.

The department shall make information available to the public by a telephone recorded message updated, as necessary, no later than 1:00 p.m. each Monday, Wednesday, and Friday as to whether any stream will be open or closed to fishing. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any stream.

THE NUMBER TO CALL FOR INFORMATION IS (707) 822-3164 for Mendocino County and (707) 944-5533 for Sonoma, Marin, and Napa counties.

(1) All streams tributary to the Pacific Ocean (and its bays) in Mendocino County, except for the Russian and Gualala rivers.

Minimum Flow: 200 cfs at the USGS gauging station on the main stem Navarro River near Navarro, CA.

(2) All streams tributary to the Pacific Ocean (and its bays) in Sonoma and Marin counties, except for the Russian River.

Minimum Flow: 150 cfs at the gauging station on the South Fork Gualala River near Sea Ranch (Sonoma County).

(3) Russian River main stem below the confluence of the East Branch Russian River (Mendocino and Sonoma counties), Laguna de Santa Rosa, and Santa Rosa Creek.

Minimum Flow: 300 cfs at the gauging station located on the main stem Russian River near Guerneville (Sonoma County).

(4) The Napa River (Napa County) between Trancas Avenue in Napa and Oakville Cross Bridge near Yountville. Minimum Flow: 15 cfs at the gauging station at the Oak Knoll Bridge on the main stem Napa River.

(c) South Central Coast Streams - Special Low Flow Closures: During December 1 through March 7 the following streams (subsections (1) through (7)) will be closed to fishing when the department determines that stream flows are inadequate to provide fish passage for migrating steelhead trout and salmon. Closed streams will be reopened when the department determines flows are adequate for fish passage.

(1) Upper Penitencia Ck. (Santa Clara Co.) and Lower Coyote Ck. below its confluence with Upper Penitencia Ck. (U. S. G. S. gauging station on lower Coyote Ck. above St. Highway 237 in Milpitas).

(2) Pescadero Creek and all anadromous reaches of San Mateo Co. coastal streams normally open for fishing, from Elliot Ck. through Milagro Ck., shall be closed to all fishing when the department determines that the Pescadero Ck. flows are impeding fish passage. (U. S. G. S. gauging station is on Pescadero Ck.)

(3) The San Lorenzo River and all its tributaries, as well as all anadromous reaches of coastal streams normally open for fishing in Santa Cruz Co. from the San Lorenzo R. on North through Wadell Ck., shall be closed to all fishing when the department determines that the San Lorenzo flows are impeding fish passage. (U. S. G. S. gauging station in Henry Cowell Redwood State Park).

(4) Aptos and Soquel Creeks (Santa Cruz Co.) shall be closed to all fishing when the department determines that the Soquel Ck. flows are impeding fish passage. (U. S. G. S. gauging station on Soquel Ck.).

(5) The Pajaro River and Uvas, Llagas, and Corralitos Creeks, (Santa Cruz, Monterey, & Santa Clara Co.) shall be closed to all fishing when the department determines that the Pajaro R. flows are impeding fish passage. (U. S. G. S. gauging station on the lower Pajaro River).

(6) The main stem of the Salinas River (Monterey Co.), below its confluence with the Arroyo Seco River shall be closed to all fishing when the department determines that the flows are impeding fish passage (U. S. G. S. Spreckels gauging station on the Salinas R.).

(7) The Arroyo Seco River (Monterey Co.) shall be closed to all fishing when the department determines that the flows are impeding fish passage. (Flows to be evaluated at U. S. G. S. Spreckels gauging station on the Salinas R. and the U. S. G. S. gauging station near Geenfield on the Arroyo Seco R.).

(8) The Carmel River main stem, and the adjacent waters of San Jose, Gibson, Malpaso, Soberanes Creeks that are West of Highway 1 (Monterey Co.), shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station near Carmel is less than 80 cfs.

(9) The Big Sur River main stem west of the Highway 1 bridge, all of Limekiln Ck and its tributaries, and the anadromous portions of all other Big Sur Coast streams West of Highway 1 in Monterey Co., from Granite Ck. south to Salmon Ck., shall be closed to all fishing when the department determines that the flow at the U. S. G. S. gauging station on the Big Sur River is less than 40 cfs.

The stream flow gauges referred to above in subsections (8) and (9) will be checked on Tuesday and Friday of each week. The decision as to whether these rivers will be open or closed to fishing will take place only on Tuesday and Friday of each week. In the event that river flow differs later in the week, the fishing status for each specific river will not change until the day following the next scheduled reading. It shall be the responsibility of the angler to use the telephone number designated in the sport fishing regulations booklet to obtain information on the status of any of the rivers or creeks listed above in subsections (1) through (9). THE NUMBER TO CALL FOR INFORMATION IS (831) 649-2886.

NOTE: Authority cited: Sections 200, ~~202~~, 205, ~~215~~ and ~~220~~ 265 and 270, Fish and Game Code. Reference: Sections 110, 200, ~~202~~, 205, ~~206~~ and ~~220~~ and 265, Fish and Game Code.

STAFF SUMMARY FOR AUGUST 16, 2017

7. SPORT FISHING

Today's Item

Information Action

Authorization to publish notice of intent to change inland sport fishing regulations.

Summary of Previous/Future Actions

- | | |
|--------------------------|---------------------------------|
| • Today's notice hearing | Aug 16, 2017; Sacramento |
| • Discussion hearing | Oct 11-12, 2017; Atascadero |
| • Adoption hearing | Dec 6-7, 2017; San Diego |

Background

DFW has combined DFW proposals and public requests (FGC petitions 2016-003, 2016-006 and 2016-023) for proposed changes to the 2018 inland sport fishing regulations. The draft initial statement of reasons (ISOR; Exhibit 1) identifies a number of proposed changes to current regulations:

- **Rock Creek (Shasta County) Closure to Protect Shasta Crayfish:** Add Rock Creek, in the Hat Creek Drainage, to the Special Fishing Regulations (Subsection 7.50(b) (151.5) with an all year fishing closure to protect Shasta crayfish.
- **Clarification of No Take of Salmon in the Sacramento and McCloud Rivers and Tributaries Above Shasta Lake:** Amend the Sierra District Regulations (Section 7.00) to clarify that all rivers and associated tributaries above Shasta Lake are closed to the take of salmon, and amend subsection 7.50(b)(115) to direct readers to the District General Regulations. The changes will protect Chinook Salmon when they are reintroduced into the upper Sacramento and McCloud rivers above Shasta Lake.
- **American River (Nimbus Basin) Fishing Closure:** The current request for closure is designed to protect Chinook Salmon and Central Valley steelhead trout, which will utilize this section of the river for both in-river spawning and rearing along with essential hatchery operations. This combines subsections 7.50(b)(5)(A) and 7.50(b)(5)(B) and closes this section of river to fishing all year.
- **Artificial Lure and Bait Definition Changes:** Amend multiple sections in Title 14 to align with the new definitions for artificial lure and bait.
- **Allow Bow and Arrow Fishing for Catfish:** The bow and arrow fishing community has requested the opportunity to fish for catfish in certain waters in the state. This request was considered by Department law enforcement and regional biologists who determined that bowfishing could be allowed on waters with large carp populations and that are popular for bowfishing. Amend Section 2.25 to allow bowfishing for bullheads and catfish in the Sacramento-San Joaquin River Delta, Big Bear Lake in San Bernardino County, and Lake Isabella in Kern County.
- **Revision of Mendocino, Sonoma and Marin Counties' Low Flow Closure Time Period to Align with the Adult Steelhead Season:** Revise Section 8.00(b) to redefine the season of the Special Low Flow Conditions to coincide with the end of the adult steelhead fishing season on March 31.

STAFF SUMMARY FOR AUGUST 16, 2017

- **Crayfish:** In alignment with the proposal to close Rock Creek to fishing to protect Shasta crayfish, Section 5.35 will need to be amended to add Rock Creek to the list of waters where take of crayfish is prohibited.
- **Steelhead Report and Restoration Card Requirements:** Amend Section 5.88 as DFW staff reassessed the fisheries management objectives of the Steelhead Report and Restoration Card and determined that the data being collected, location codes, and reporting instructions and requirements can be simplified.
- **Sport Fishing Report Card Requirements:** Amend Section 1.74 to update procedures regarding lost report cards, to provide guidelines for obtaining a duplicate report card, and reporting harvest from a lost report card without obtaining a duplicate report card.
- **Restrict Leader Length to Less Than Six Feet to Reduce Potential Foul-Hooking (Snagging) of Salmon and Steelhead:** Add the leader length restriction to Section 2.05, to reduce foul-hooking of salmon and steelhead in anadromous waters.
- **Updates to Authority and Reference Citations Based on Recent Legislation:** As necessary, non-substantive changes are made to the authority and reference sections as a result of changes to Fish and Game Code by Senate Bill 1473 (Statutes 2016; Chapter 546) which took effect on Jan 1, 2017.

California Environmental Quality Act

It is determined that there is no substantial evidence the sport fish project that is the subject of this proposed rulemaking could have a significant effect on the environment. Staff will file a draft negative declaration with the State Clearinghouse and provide the draft as an exhibit for the Oct discussion hearing.

Significant Public Comments (N/A)

Recommendation

FGC staff: Approve the request to go to notice as recommended by DFW.

DFW: Approve as recommended in the ISOR.

Exhibits

1. ISOR for 1.05 et al.
2. DFW memo, received Jul 19, 2017

Motion/Direction

Moved by _____ and seconded by _____ that the Commission authorizes publication of a notice of its intent to amend sections 1.05, et al., repeal section 1.60, and add section 2.05, related to sport fishing regulations for the 2018 seasons.

FGC

From: dennis <[REDACTED]@[REDACTED].com>
Sent: Monday, September 11, 2017 8:46 AM
To: FGC
Subject: RE: petition

Every argument you show against my proposal could be said for archery. This is a direct denial of opportunity afforded other similar users. The only difference between divers and archers is we are in the water opposed to above it. That's it. Regional parks that do not allow weapons are already banning archers as well as divers. There are many lakes and waterways thruout the state that do not have a weapons ban in place that are under utilized. This is disgusting. You lost a lot of potential supporters with this one.

Dennis Haussler

[REDACTED]
[REDACTED]@ [REDACTED].com

FGC

From: ken Leiterman <[REDACTED]@yahoo.com>
Sent: Monday, September 18, 2017 3:18 PM
To: FGC
Subject: New regulations

I am not sure if I read this correctly. I am a big fan of not allowing leaders over 6ft. Everyone knows the guys with the long leaders are really just snagging fish. Adding weight to your flies and sent to your artificial floors is completely different and should be allowed.

Thank you.Ken Leiterman

Sent from my iPad

.

FGC

From: Christopher M Loomis
Sent: Wednesday, September 20, 2017 12:26 PM
To: FGC
Subject: Comments for proposed fish and game regulation changes

Dear Commission members,

I'm a fisheries graduate student and avid fisherman on the north coast (Humboldt County) and I'm concerned about several of the items proposed for adoption. I want what is best for our fishes, but I want to ensure that our regulations are effectively managing fish populations without imparting fishers in an unbalanced way. As I don't have the time or resources to attend the meeting in San Diego, I hope that my opinions can be heard though this email.

With regard to the proposed exclusion of added weight to artificial flies, I strongly disagree that this will have any benefits to how our fisheries are managed. Fly fishers represent a vary small sub-set of the people targeting salmonids and the techniques employed by fly fishermen have very little impact on fish populations as evidenced by the persistent populations in fly fishing only sections of stream. If you compare the catch per unit effort of a fly fisher compared to someone trolling with conventional equipment, you will notice a difference of catch in orders of magnitude.

Typically, weights added to flies are very minimal and mostly added to impart various movements and color to the flies, i.e. a cone head added to a streamer fly both protects the fly from damage to the threaded knot and also makes the streamer swim slightly. Furthermore, if added weights like these are outlawed, hundreds of thousands of dollars worth of flies that are already in the boxes of fisherman and distributors alike will be made worthless since the fly cannot be adapted once they are tied. If the concern surrounds unconventional use of flies with weights for illicit means (eg snagging) than I urge you to consider a weight limit (eg 1/8 ounce) as this will still allow most conventional flies with bead heads and cones to be used normally while excluding unconventional use of heavily weighted flies.

Additionally, the proposition to restrict leader length will also have devastating effects to fly fishers. Casting a fly depends entirely on using the weight of the lines. To avoid disturbing fish, fly fishers use long leaders, typically greater than 9 ft. Additionally, leaders must be long enough to allow wet flies to sink to desired depths. If leaders are shortened, fish will be spooked or not reached. I understand that the primary impetus for this proposition is to reduce snagging, but a blanket restriction with greatly harm a user group that does not participate at all in these activities. I would advise restricting leader length to specific regions were snagging is prolific, such as the Klamath spit or below the Nimbus dam. Or alternatively, restrict leader lengths to conventional tackle only.

To summarize, fly fishing is a small subset of fishers that have minimal impacts of fish stocks as compared to other methods. Limiting the methods employed by fly fishers will have only marginal effects to the fishery while having devastating effects to the fishers. Thank you for your time and consideration

---Chris

FGC

From: Vince O'Malley <[REDACTED]@comcast.net>
Sent: Wednesday, September 20, 2017 10:22 AM
To: FGC
Subject: Proposed Tackle Prohibitions

I am advised that your Commission is considering a few rather radical proposals to change tackle rules for steelhead and trout anglers by, among other things, possibly limiting leader length to 3-5 ft. and eliminate the use of weighted flies and split shot. I would strongly urge that you not do so and further suggest that you consult with experienced fly fishers and guides for a fuller appreciation of what these prohibitions would actually accomplish.

I have fly fished various methods for more than fifty years. Implementation of the above rules would essentially negate nymph fishing in all but the most shallow runs and riffles. You would effectively destroy most nymphing, a particularly common and popular method of sport fishing.

If your goal is to install reasonable protection of trout and steelhead, as well as salmon, while still protecting sport fishing you might instead ban barbed hooks in all locations. And to further protect anadromous fish where they are most vulnerable you should ban all sport fishing at the mouth of rivers and their tidal estuaries. If you are not aware of the easy slaughter of fish in these particular areas you need only YouTube "Salmon Fishing the Mouth of the Klamath" where you will see dozens and dozens of anglers, shoulder to shoulder, as they hook and snag fish entering the river to spawn. Coincidentally, many of the hooked and snagged fish are steelhead which often run at the same time as the salmon.

I respectfully hope these few remarks and observations from a longtime angler are helpful.

Vincent J. O'Malley

Sent from my iPhone

FGC

From: jcmchatton <[REDACTED]@frontier.com>
Sent: Sunday, September 24, 2017 6:07 PM
To: FGC
Subject: No Scent allowed in artificial lures only waters

Who the he'll do you guys think you are banning scent in artificial lures only waters? We all own those waters and those fish. How many fish are you attributing to being harvested, due to the use of scents? Where's the data that suggests scent is a problem? You are little by little trying to take our rights as Americans to fish, to hunt, and to enjoy the outdoors. I am all about reasonable regulations to keep enough fish and game around for future generations, but banning scents for fishing is ridiculous! You have forgotten that you have chosen to serve the people; not your biased, self-serving agenda of taking fishing and hunting away from Americans that love the outdoors. Eventually, you are going to trigger a tipping point where the people you're supposed to be serving, are not going to put up with any more, the disservice and injustice you are heaping on us sportsmen and women. Think before you enact such ludicrous, innane laws.

John McHatton, Concerned Sportsman

Sent from my Verizon, Samsung Galaxy smartphone

FGC

From: bob hoppy <[REDACTED]@gmail.com>
Sent: Tuesday, September 26, 2017 11:55 PM
To: FGC
Subject: Proposed regulations.

I am very unhappy about the proposed closure of the nimbus basin. I have been fishing this area for many years and have seen many fish out of it. Especially this year. The amount of fish is very high. I pay for my fishing license like everyone else. So I don't see why I should pay if you guys are making it worse for people to fish by closing down all of our spots. The nimbus basin is many anglers favorite fishing spot. And I think that it is very unfair to close it down and is just wrong. Have a public vote instead of a few people deciding for everyone. I have talked to many anglers about this and we are interested in protesting if necessary. Please consider this in your next meeting. Thank you.

Sent from my iPhone