

California Fish and Game Commission Policies

Appendix B

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The policies contained in this appendix were provided by the California Fish and Game Commission (California Department of Fish and Game 2003) and Dana Group and LawTech Publishing 2009).

California Fish and Game Commission Policies

Trout

It is the policy of the Fish and Game Commission that:

- I. Natural reproduction and rearing of trout will be encouraged to the greatest extent possible by protecting and improving habitat and by affording protection from disease, predators and competing fish species.
- II. Populations of wild trout shall be sustained in suitable waters to provide a diversity of angling opportunities. In some waters it may be necessary to restrict angler harvest to the extent that such harvest has virtually no long-term effect on numbers and sizes of fish in the populations.
- III. Artificial propagation and rearing of trout is a major Department program, but will be utilized only when necessary to augment natural production. Stocking fingerling and sub-catchable-sized trout shall take priority over planting catchable-sized trout in the hatchery stocking program when the smaller fish will maintain satisfactory fishing.
Hatchery trout shall not be stocked in waters where they may compete or hybridize with trout which are threatened, endangered or species of special concern. Exceptions may be made for stocking waters which are not part of a species recovery program.
- IV. Catchable-sized trout shall be stocked only:
 - A. In lakes, reservoirs and streams where natural reproduction and growth are inadequate to maintain populations capable of supporting fishing; and
 - B. When it is reasonable to expect at least 50% by number or weight will be taken by anglers.
In stocking catchable-sized trout, lakes and larger streams shall have priority over smaller streams. Suitable waters with heavy fishing pressure compared to the size of planting allotments shall have priority. Trophy fish, weighing one pound or more may constitute up to 10% by weight of each load of catchables stocked, if they replace an equivalent poundage of catchables in the allotment for the water stocked.
- V. Subcatchable-sized trout may be stocked in lakes, reservoirs and streams where appropriate to augment trout populations in such waters, and to increase fishing opportunities and success. Fingerlings shall be stocked primarily in waters where reproduction is limiting and satisfactory angling can be supported with fingerling stocking, where the population has been destroyed, and in lakes where they will establish a new fishery or augment the existing fishery.
- VI. Water companies, utility districts and other public or private agencies in control of urban lakes shall be encouraged to finance put-and-take trout fishing in such waters when suitable for such purposes. The Department shall provide technical advice and otherwise assist in the development and maintenance of such programs.

(Amended 1/4/94)

Golden Trout

It is the policy of the Fish and Game Commission that:

The golden trout, designated as the state fish of California, will be perpetuated and maintained as appropriate to support its designation.

- I. Certain waters within the high mountainous areas of Madera, Fresno, Inyo, Mono and Tulare counties may be designated by the Department as "Golden Trout Waters of California". Within that area, they shall include, if possible:

- A. All of the native golden trout streams; and
- B. Any other stream or lake in which non-native but self-perpetuating wild golden trout form the bulk of the population.

Within these waters golden trout will be preserved and maintained in as genetically pure a state as possible. Rainbow trout and other species of trout shall not be planted in designated golden trout waters. Barren lakes in this area may be reserved by the Department for future stocking of golden trout.

- II. A brood stock shall be maintained in lakes set aside for the sole purpose of egg production to provide fingerlings for planting waters.
- III. Hatchery-reared or wild fingerlings may be used for initial stocking in streams and lakes designated by the Department. In lakes containing other fish populations, the fingerlings will be of such size that a reasonable survival may be expected. Fingerlings may be stocked to maintain populations in lakes. Whenever practicable, the range of golden trout will be extended through wild fish or fingerling plantings in native waters through a recovery plan, or in other waters possessing adequate spawning grounds.
- IV. The Golden Trout Policy prevails over the general Trout Policy if the two are in conflict.

Salmon

It is the policy of the Fish and Game Commission that:

- I. Salmon shall be managed to protect, restore, and maintain the populations and genetic integrity of all identifiable stocks. Naturally spawned salmon shall provide the foundation for the Department's management program.
- II. Salmon populations shall be periodically inventoried by the Department, or its agents, as necessary for management and protection of salmon stocks and their habitat, as outlined in this policy.
- III. Salmon streams shall be inventoried for quantity and quality of habitat, including stream flow conditions. Restoration and acquisition plans shall be developed and implemented to safeguard such critical habitats as estuaries, coastal lagoons, and spawning and rearing areas, and to protect or guarantee future instream flows. Fisheries Restoration grants and other funding may be directed to implement the plans.
- IV. Existing salmon habitat shall not be diminished further without offsetting the impacts of the lost habitat. All available steps shall be taken to prevent loss of habitat, and the Department shall oppose any development or project that will result in irreplaceable loss of fish. Artificial production shall not be considered appropriate mitigation for loss of wild fish or their habitat.
- V. The Department shall strive to improve habitat conditions, alleviate threats, and renegotiate mitigation requirements at appropriate opportunities to eliminate the need for fish rescue operations. Salmon rescue will not be considered as mitigation for proposed water development. Only under the following circumstances shall salmon be rescued:

- A. When they will be returned to the stream system of origin; and
 - B. When fish can be held until habitat conditions in the place where they were collected improve, or when fish can be immediately released in nearby areas of the same stream and the Department has determined that no adverse impacts would occur to existing salmonid populations; and
 - C. When, in the opinion of the Department, habitat conditions are temporarily inadequate or when conducted pursuant to a permitted in-stream construction or restoration activity.
- VI. Hatchery releases of Chinook salmon in anadromous waters will be externally marked and coded-wire tagged at the current Department standard.
- VII. New programs that propose to propagate state-or federally-listed salmon shall conform to the Department's guidelines for establishment and operation of recovery hatcheries found in the Recovery Strategy for California Coho Salmon, Appendix H. In coastal streams without Department hatcheries, artificial rearing shall be limited to areas where the Department determines it would be beneficial to supplement natural production to re-establish or enhance the depleted wild population. In the Sacramento, American, Feather, San Joaquin, Klamath and Trinity River systems, hatchery production shall be used to meet established mitigation goals. At the discretion of the Department, excess eggs from non-listed salmon from the State, Federal, or cooperative hatcheries may be used to provide additional fish for the commercial and sport fisheries. Because of potential adverse impacts, all salmon reared from excess eggs that are intended to be released into estuaries, bays, or the ocean for fisheries enhancement must be marked so that potential impacts and efficacy of the project can be evaluated. Specifically, the projects must provide to the Department, within five years of the adoption of this policy, a written evaluation of their operations that specifically addresses: 1) potential impacts to nearby stream environments; 2) potential impacts to ESA or CESA listed salmonid populations; and 3) efficacy of the project in meeting project goals and objectives. The Department will assess the evaluations and will provide a recommendation to the Commission on whether this section of the policy should be continued.
- VIII. Domesticated or non-native fish species will not be planted, or fisheries based on them will not be developed or maintained, in drainages of salmon waters, where, in the opinion of the Department, they may adversely affect native salmon populations by competing with, preying upon, or hybridizing with them. Exceptions to this policy may be made for stocking drainages that are not part of a salmon restoration or recovery program.
- IX. The best available scientific information will be used by the Department to assess the salmon resource and to develop management strategies and recommendations

(Amended: 06/18/93; 06/18/05; 05/09/08)

Stocking Fish in Waters Where Anglers Pay Access Fees

It is the policy of the Fish and Game Commission to:

Recognize there is a tremendous demand for fishing in reservoirs, lakes and streams. The Department of Fish and Game cannot meet all of the demands for catchable-sized hatchery fish for such waters. Therefore, to the extent possible it should encourage the involvement of the private aquaculture industry.

The Department shall not stock fish in (1) private waters that are closed to the public, and (2) fee-fishing lakes operated by registered aquaculturists privately for profit. As long as they are open to the general public, the Department shall stock two types of waters: (1) those in which most, if not all, fish are reared and stocked by the Department, and (2) those in which the reservoir or recreation operator, under a Cooperative Stocking Program, plants an equal or greater weight of catchable-sized fish than does the Department.

The Department alone cannot plant enough fish nor improve enough habitat to develop the full recreational potential of many waters. Although the Commission recognizes the prerogative of a local entity to rely on a fishing program of this type, it also recognizes the resulting loss in recreation fishing opportunities in areas where the demand is so great. It, therefore, directs the Department to encourage local entities to shift to the more successful Cooperative Stocking Program.

I. Waters Where Anglers Pay Small Fees to Defray Only Costs of Essential Services:

- A. The Department may stock public and private waters where a nominal fee is charged to defray the costs of maintaining sanitary and safety services, roads, parking, gatekeeping and patrol services, liability insurance, licenses and taxes, and fish habitat improvement projects, providing all revenues are used to pay for these costs only. Access fee revenues may be used also to purchase fish to supplement the state allotment, at the discretion of the recreation operator. Said fee shall not exceed \$6.50 per day per car or \$1.65 per day per person.
- B. Operators may request authorization to charge higher access fees than those permitted under this policy if they can provide evidence to the Commission that their costs for the items listed above were not unusual nor unreasonable and that otherwise their costs would exceed their income using the established maximum fee level. A formal audit of financial records by the Department may be required. Approved exceptions are good for one year.
- C. The fee ceiling in this policy shall be adjusted annually in accordance with the California Consumer Price Index, using the 1979 fee schedule of \$2.00 per day per car or \$0.50 per day per person as the basis for computing such fees. Increases or decreases shall be rounded off to the nearest \$0.25 for car access and \$0.05 for individuals.
- D. Changes in the access fee ceiling will be made at the Commission's December meeting. Requests for exceptions to the access fee ceiling may be considered at regularly scheduled Commission meetings.
- E. Access fees charged by state parks are not covered by this policy. State park fees are established and set by the California Department of Parks and Recreation.

II. Waters With Cooperative Stocking Programs:

Cooperative programs may be entered into by the Department with public and private entities. In these instances, the cooperator supplements the Department fish planting allotment by purchasing additional fish, and generally charges daily fees greater than those outlined in paragraph I above. The Commission encourages the Department to enter into such cooperative stocking programs, provided they conform to the following requirements:

- A. Each proposed cooperative stocking program will be in the form of a Memorandum of Understanding; and
- B. Each year the cooperator shall purchase and stock at least as many pounds of fish as the Department stocks, and hopefully, considerably more as the program develops and the annual income from fees increases.

However, to facilitate the starting of a new program, the cooperator may delay the matching commitment until the second year of the agreement when fee revenue from the first year will become available for purchasing fish.

If any cooperator does not match or exceed by weight the fish stocked by the state in the second year of the cooperative program, no additional Department fish shall be delivered until the commitment is met.

- C. In order to generate revenue to finance the cooperator's share of fish and fish habitat improvements, daily fees higher than those required to pay actual costs of necessary sanitary and other essential services required for fishermen at a water stocked by the state may be charged, provided that all resulting revenues in excess of those needed for such

necessary services be used to purchase fish for stocking or to implement habitat improvement projects in the water.

- D. The cooperator shall not divert any profits resulting from daily access fees to support any other operation. The cooperator shall keep separate financial records for each water stocked by the Department under a matching program in such a manner that costs of sanitation and other necessary services for fishermen and costs of stocked fish and habitat improvement can be readily determined. These records shall be made available to the Department upon request.
- E. To the extent of its ability, when requested, the Department will assist any cooperator with advice on technical, procedural and business policies to help in developing a financially self-sustaining operation.

III. Davis-Grunsky Waters:

The Department will not stock fish in place of those which the local water agency is required to stock by its Davis-Grunsky contract in order to realize the anticipated recreational benefits from the project.

(Amended 8/26/93, 12/4/97, 01/07/99, 12/08/00, 12/07/01, 12/20/02, 12/5/03, 12/9/05, 12/7/07)

Youth Fishing Programs

The Department is supportive of youth fishing programs sponsored by city, county or other public entities.

Through its urban fishing program, the Department will combine fisheries resource management with educational services to develop healthy urban fisheries, and provide young people with an opportunity to fish close to home.

Fish planted for such programs may be obtained from State hatcheries.

(Amended 5/14/93)

Anadromous Rainbow Trout

It is the policy of the Fish and Game Commission that:

- I. Anadromous rainbow trout, commonly called steelhead, shall be managed to protect and maintain the populations and genetic integrity of all identifiable stocks. Naturally spawned anadromous rainbow trout shall provide the foundation of the Department's management program.
- II. Anadromous rainbow trout populations shall be periodically inventoried by the Department, or its agents, as necessary for management and protection of the anadromous rainbow trout stocks and their habitat, as outlined in this policy.
- III. Anadromous rainbow trout streams shall be inventoried for quantity and quality of habitat, including stream flow conditions. Restoration and acquisition plans shall be developed and implemented to safeguard such critical habitats as estuaries, coastal lagoons, and spawning and rearing areas, and to protect or guarantee future instream flows. Steelhead Fishing Report - Restoration Card Program and other funding may be directed to implement the plans.
- IV. Existing anadromous rainbow trout habitat shall not be diminished further without offsetting mitigation of equal or greater long-term habitat benefits. All available steps shall be taken to prevent loss of habitat, and the Department shall oppose any development or project that will result in irreplaceable losses. Artificial production shall not be considered appropriate mitigation for loss of wild fish or their habitat.

- V. The Department shall strive to improve habitat conditions, alleviate threats, and renegotiate mitigation requirements at appropriate opportunities to eliminate the need for fish rescue operations. Anadromous rainbow trout rescue will not be considered as mitigation for proposed water development. Only under the following circumstances shall anadromous rainbow trout be rescued:
 - A. When they will be returned to the stream system of origin; and
 - B. When fish can be held until habitat conditions in the place where they were collected improve, or when fish can be immediately released in nearby areas of the same stream and the Department has determined that no adverse impacts would occur to existing salmonid populations; and
 - C. When, in the opinion of the Department, habitat conditions are temporarily inadequate or when conducted pursuant to a permitted in-stream construction or restoration activity.
- VI. Sport fishing for anadromous rainbow trout shall be encouraged where the Department has determined that angling will not harm existing wild populations. Angling of juveniles shall only be permitted where such angling does not impair adequate returns of adults for sport fishing and spawning. Special angling regulations for naturally spawned anadromous rainbow trout may be necessary when a fishery includes both naturally spawned and hatchery stocks. These regulations shall be consistent with restoration and recovery goals.
- VII. Domesticated or non-native fish species will not be planted, or fisheries based on them will not be developed or maintained, in drainages of anadromous rainbow trout waters, where, in the opinion of the Department, they may adversely affect native anadromous rainbow trout populations by competing with, preying upon, or hybridizing with them. Exceptions to this policy may be made for stocking drainages that are not part of an anadromous rainbow trout restoration or recovery program.
- VIII. The Department will continue marking all hatchery anadromous rainbow trout and selective harvest of marked fish will be allowed only where the Department has determined that the harvest will not impair the viability of the population.
- IX. The Department will continue to investigate stocking of sterile rainbow trout in waters within anadromous rainbow trout drainages, where the Department has determined that stocking reproductively viable rainbow trout may have an adverse effect on the genetic integrity of the anadromous rainbow trout populations. Stocking of sterile rainbow trout in anadromous rainbow trout drainages will not be conducted if the Department determines there may be an adverse affect to existing wild anadromous rainbow trout populations.
- X. In streams without Department hatcheries, artificial rearing shall be limited to areas where the Department determines it would be beneficial to supplement natural production to re-establish or enhance the depleted wild population. New programs that propose to propagate state- or federally- listed anadromous rainbow trout shall conform to the Department's guidelines for establishment and operation of recovery hatcheries found in the Recovery Strategy for California Coho Salmon, Appendix H.
- XI. The best available scientific information will be used by the Department to assess the anadromous rainbow trout resource and to develop management strategies and recommendations.

(Amended: 06/18/93; 05/09/08)

Warmwater Game Fish Stocking

It is the policy of the Fish and Game Commission that:

Maintenance stocking of warmwater game fish is not recommended because satisfactory populations are usually sustained by natural reproduction. Accordingly, such stocking shall be limited to:

- I. Lakes, reservoirs and streams where natural reproduction is inadequate to maintain populations capable of supporting fishing, which demonstrate acceptable growth rates or are capable of producing trophy-sized fish, and where such stocking can be demonstrated to be cost effective.
- II. Waters selected for evaluation of experimental management techniques.
- III. Reintroduction of desirable species that have been eliminated either by natural causes or management actions intended to remove unwanted species.
- IV. Introduction of new species or subspecies consistent with existing policies and under guidelines provided by the Department of Fish and Game.

Captured wild fish will normally be used to stock all waters. Artificially-produced fish also may be used if circumstances warrant.

Privately owned waters not open to the public will generally not be stocked by the Department. These waters can be stocked by registered aquaculturists under the authority of a private stocking permit issued by the Department.

(Amended 8/26/93)

Commission Designated Wild Trout Waters

It is the policy of the Fish and Game Commission to:

- I. Designate certain state waters to be managed exclusively for wild trout. Commission designated wild trout waters should provide a quality experience by providing the angler with an opportunity to fish in aesthetically pleasing and environmentally productive waters with trout populations whose numbers or sizes are largely unaffected by the angling process.

Waters designated by the Commission for wild trout management shall meet the following criteria:

A. Angler Access:

1. Open for public angling with unrestricted access when of sufficient dimensions to accommodate anglers without over crowding.
- or
2. Open for public angling with controlled access under a plan approved by the Commission setting forth the number of anglers and the method of distribution.

- B. Able to support, with appropriate angling regulations, wild trout populations of sufficient magnitude to provide satisfactory trout catches in terms of number or size of fish.

II. Wild trout waters shall be managed in accordance with the following stipulations:

- A. Domestic strains of catchable-sized trout shall not be planted in designated wild trout waters.
- B. Hatchery-produced trout of suitable wild and semi-wild strains may be planted in designated waters, but only if necessary to supplement natural trout reproduction.
- C. Habitat protection is of utmost importance for maintenance of wild trout populations. All necessary actions, consistent with State law, shall be taken to prevent adverse impact by land or water development projects affecting designated wild trout waters.

III. The Department shall prepare and periodically update a management plan for each water designated as a wild trout water.

IV. Certain designated wild trout waters may be further designated by the Commission as "Heritage Trout Waters", to recognize the beauty, diversity, historical significance, and special values of California's native trout. Heritage Trout Waters shall meet the following additional criteria:

- A. Only waters supporting populations that best exemplify indigenous strains of native trout within their historic drainages may qualify for designation.
- B. Heritage Trout Waters shall be able to provide anglers with the opportunity to catch native trout consistent with the conservation of the native trout present.
- V. Recognize the importance of native trout to California's natural heritage, the Department shall emphasize education and outreach efforts to inform the public about our native trout, their habitats, and the activities for restoration of native trout when implementing the Heritage Trout Program.
 - A. Implement a Heritage Trout Angler Recognition Certificate through which anglers will have the opportunity to have their catches of California native trout recognized by the Commission. The criteria for receiving the formal recognition shall be maintained by the Department's Heritage and Wild Trout Program. To receive a certificate of recognition, anglers shall submit an application with supporting materials to the Department for review.

References Cited

Printed References

- California Department of Fish and Game. 2003. *Strategic Plan for Trout Management: A Plan for 2004 and Beyond*. November. The Resources Agency, California Department of Fish and Game, Available: <<http://nrm.dfg.ca.gov/documents/ContextDocs.aspx?ContextName=Fisheries>>.
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